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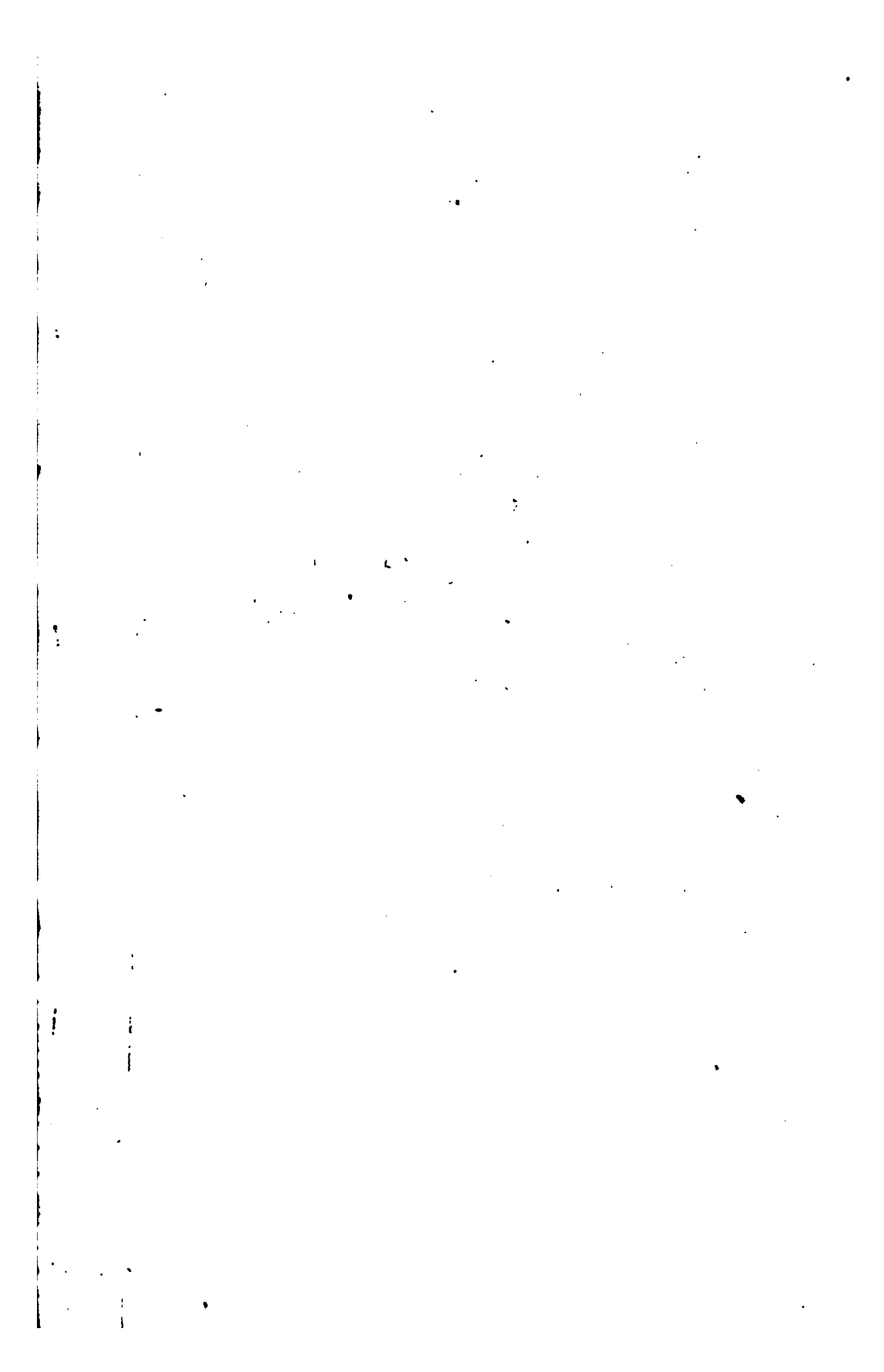
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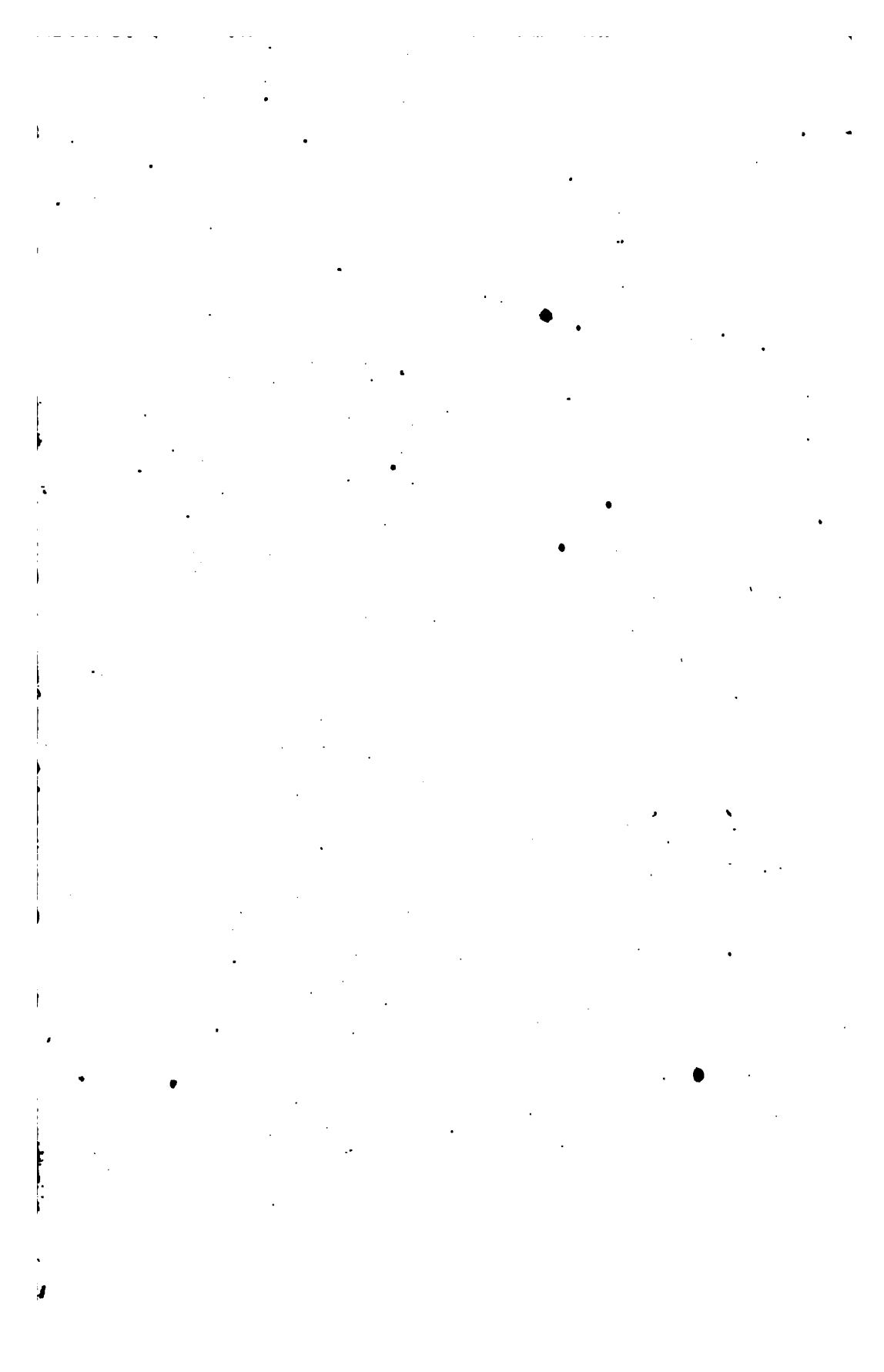
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SPRECKELS

Mr. Wm. B. Sprickels

1847







BURNET'S NOTES.

N O T E S

ON THE

EARLY SETTLEMENT

OF THE

NORTH-WESTERN TERRITORY.

**CINCINNATI:
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MEMORANDUM.

ABOUT ten years ago, the writer of the following chapters was requested by a friend, to commit to paper, a biographical sketch of himself, accompanied by a statement of such facts and incidents relating to the early settlement of the North-Western Territory, as were within his recollection, and might be considered worth preserving.

It was foreseen that the execution of such a request, would necessarily be attended with delicacy and difficulty. Many of the matters embraced in it, related, more or less, to himself, and he did not believe that they could be of much interest, even to friends ; and certainly, of much less to the public generally. Besides, many occurrences in the early settlement of the country, which were of some importance at the time, had escaped his recollection, or were imperfectly remembered.

The request, however, was complied with, in a series of letters, written in 1837, which were laid before the Historical Society of Ohio, by the gentleman to whom they were addressed, and ordered to be published among the transactions of the institution.

That book being out of print, the writer has been urged, by many of his personal friends, and by others, to revise, enlarge, and put them in a more convenient form for publication. He consented to do so, and the result is now submitted to the public. The work claims for itself, nothing more of merit, than belongs to a collection of authentic, detached, facts; set down with more regard to truth, than to polish of style, or chronological arrangement; from which the historian may select materials for future use.

The writer does not suppose, that any of the occurrences recited in the work, derive additional consequence from the fact, that he has been in any way connected with them. His name is mentioned, because the omission of it might render the narrative obscure, and less intelligible. The facts are equally interesting, be the adventurer who he may. "*Mutato nomine, de te fabula narratur.*"

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INTRODUCTION.

PRELIMINARY CHAPTER.

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THE writer of the following chapters is the son of Dr. William Burnet, the elder, of Newark, New Jersey; and the grandson of Dr. Ichabod Burnet, a native of Scotland, who was educated at Edinburgh—removed to America soon after his education was finished, and settled at Elizabethtown, in the province of New Jersey; where he practiced his profession with great success, as a physician and surgeon, till 1773, when he died at the advanced age of eighty years.

His only son, William, was born in 1730—educated at Nassau Hall, during the presidency of the Reverend Aaron Burr—and graduated in 1749, before the institution was removed to Princeton.

He studied medicine under Dr. Staats, of New York, and practiced it with assiduity and success, till the difficulties

with the Mother Country became alarmingly serious. Being a high-toned Whig, he took an active part in the measures of resistance which were resorted to, against the oppressive proceedings of the British government.

When the judicial courts of the province were closed and the regular administration of justice suspended, by a ministerial order, he relinquished the practice of his profession, which was extensive and lucrative, and took part in the political movements of the day, with great activity and zeal.

The protection of law having been withdrawn, by closing the judicial tribunals of the colony, the people assumed the reins of government from necessity, and administered law and justice as well as they could, circumstanced as they were.

In some places it was done by county arrangements, and in others by township committees. In Newark, as a temporary expedient, the power was vested in a "Committee of Public Safety," appointed by the people of the township.

Similar measures of precaution were necessarily resorted to throughout the province; each county, town or neighborhood, devising and pursuing its own plan. The powers confided to these committees were dictatorial; and the entire whig population stood pledged to enforce their decisions. The tories were numerous, and had full confidence that the British troops would overrun the country, and reduce it to obedience, without encountering any serious resistance. They were therefore bold and insolent, and by their movements the public peace was constantly endangered, and was preserved only by the vigorous action of those conservative bodies.

The committee appointed at Newark, of which Dr. Burnet was chairman, was in session almost daily, hearing and deciding complaints, and adjudicating on the various matters referred to them. Some of the most obnoxious of the tories they banished: on others they imposed fines

and imprisonment, and in some instances inflicted stripes. By this bold proceeding the disaffected were kept in check; the whigs were pacified, and restrained from personal violence on the loyalists, who ridiculed the attempt to resist the Mother Country, and openly justified her tyrannical proceedings.

The Newark committee, which consisted of three members, Dr. Burnet, Judge J. Hedden, and Major S. Hays, continued in the discharge of their duty till the retreat to the American army from York Island, through the Jerseys to the Delaware, closely pressed by the enemy, who overran that state. See note on page 22.

Dr. Burnet was in the medical service of the country, from the commencement of the contest, and was the superintendent of a Military Hospital, established on his own responsibility, in Newark, in the year 1775. In the winter of 1776-7, the Legislature of New Jersey elected him a member of the Continental Congress. Soon after he took his seat, the subject of the medical department of the army was taken up in Congress, and a new arrangement adopted. The thirteen states were divided into three districts—the southern, middle, and eastern; and provision was made for a Physician-general and a Surgeon-general, in each; but in consideration of the strong claims of Dr. Burnet, on the score of past services as well as of qualification, they provided for a Physician and Surgeon-general, in the eastern district, and conferred the appointment on him. He then resigned his seat in Congress, accepted the appointment, and continued in the discharge of its arduous duties, till the peace of 1783.

He was stationed at West Point when General Arnold conceived and matured his plan to surrender that post to the enemy, and it so happened that he, with a party of the officers of the garrison, were dining with the General, when the officer of the day entered, and reported that a spy had been taken below, who called himself John Anderson. It

was remarked by the persons who were at the table, that this intelligence, interesting to the General as it must have been, produced no visible change in his countenance or behaviour—that he continued in his seat for some minutes, conversing as before—after which he arose, saying to his guests, that business required him to be absent for a short time, and desiring them to remain and enjoy themselves till his return. The next intelligence they had of him was, that he was in his barge, moving rapidly to a British ship of war, the Vulture, which was lying at anchor a short distance below the Point.

The sequel of that treasonable conspiracy, is as familiar to the American ear, as “household words.” All know that it terminated in the execution of Major Andre, the Adjutant-general of the British army, and an Aid-de-camp of Sir Henry Clinton. Very great and strenuous efforts were made, both in Great Britain and France, as well as by the Commander-in-chief of the British army, to save the life of that gifted and highly accomplished officer, who was connected with the most distinguished families in England.

In reply to those applications, General Washington proposed to exchange Andre for Arnold. That offer was manifestly unexpected, and embarrassing; and gave rise to a protracted and animated correspondence between the commanders of the two armies. Sir Henry Clinton denied that Andre was a spy, as he entered the American lines, under the protection of a pass, from the General who commanded in the District; and intimated, that he should feel bound to retaliate, if Washington persisted in his purpose. The American commander maintained, by fact and argument, that, according to the understanding and practice of all nations, Andre was a spy, and that nothing would save him from the penal consequences of his crime, but the surrender of Arnold—on that condition he would release him, and on no other. That proposition not being accepted, the Commander in-chief of the American Army ordered a

board of general officers for the trial of the prisoner, of which Major General Greene was designated as the President. That board, after a careful investigation of the facts, reported, that Major Andre was a spy, and ought to suffer death. In pursuance of that finding, he was sentenced to be hung on the succeeding day. Two officers were designated by the president of the board, to communicate the intelligence to the unfortunate Andre, and to attend him to the place of execution. One of them was Major Burnet, one of the Aides-de-camp of General Greene, and the second son of Dr. Burnet. When the sentence of the court was communicated to the prisoner, he wrote to General Washington, requesting a change of the sentence, and praying that he might be shot; adding that if that indulgence were granted, he could meet his fate without a murmur; but the circumstances of the case were of a character, to convince the Commander-in-chief that he could not commute the punishment, consistently with the established rules of martial law, and without subjecting himself to the charge of instability, or want of nerve. Major Andre heard the failure of his application, with calmness, and when the fatal hour came, he walked with a firm step, and composed countenance, to the platform of the gallows, arm-in-arm between the American officers designated to attend him. The multitude, who witnessed the execution, unitedly testified, that the unfortunate sufferer met his destiny with a calmness and composure, indicative of a brave, accomplished soldier.

That West Point, the Gibraltar of the United States, might be made a cheap conquest to the enemy, the traitor had caused some of the heavy cannon to be dismounted, and portions of the masonry to be taken down, to be rebuilt, as he pretended, with additional strength. After the arrival of the Commander-in-chief at the post, he caused those treasonable dilapidations to be repaired, without delay.



At the close of the war, Dr. Burnet returned to his family, and devoted himself to agricultural pursuits. He was soon after appointed presiding judge of the court of common pleas, by the state legislature. He was also chosen President of the State Medical Society, of which he had formerly been an active member. Being a fine classical scholar, and desirous of reviving the practice of delivering the annual address in the Latin language, which had fallen into disuse; on taking the chair, he read an elaborate essay, in Latin, on the proper use of the lancet in pleuritic cases.

While in the enjoyment of his usual health, a violent attack of erysipelas in the face and head, suddenly terminated his life, on the 7th of October, 1791, in the sixty-first year of his age.

His sixth son, the writer of these notes, was born on the 22d of February, 1770—was educated at Nassau Hall, under the presidency of Dr. Witherspoon, and graduated in September, 1791. Before he had finished his collegiate course, he determined to settle himself in the Miami country, where his father had made a considerable investment. In the mean time he completed his professional studies—was admitted to the bar by the Supreme Court of the State, in the spring of 1796—and proceeded without delay to Cincinnati, with a full determination of making it his permanent residence, and of rising or falling with it.

Whatever there may be of interest in his professional, or political life, will be sufficiently developed, by the facts connected with the settlement and improvement of the North-western Territory, in which he bore an early, and an active part; and in which he endured a full share of the exposure, privation and suffering, which necessarily attend such an enterprise.

NOTE.—The losses of the American army on Long Island and York Island, succeeded by the disastrous battle of the

White Plains, and the surrender of Forts Washington and Lee, with their numerous garrisons, of about a thousand each, compelled General Washington, late in the fall of 1776, to cross the Hudson, followed by a victorious enemy; and, after a rapid retreat, place his exhausted army in a situation of temporary safety, on the west bank of the Delaware. That retrograde movement, with the losses which preceded it, produced a general opinion, that the war was at an end. Despondency took the place of hope, and, under its influence, multitudes, both in East and West Jersey, submitted to their fate—renewed their oaths of allegiance, and took protections from the British commander, as the only expedient to save their lives and secure their property.

• But the despair which those events were fast spreading over the country, was of short duration. The American commander, who had adopted the maxim, *nil desperandum*, and had carried it into practice through life, did not yield to the alarm which was paralyzing the hopes of the bravest of his officers. When their lengthened visages indicated the feelings which harassed their minds, after they had pitched their tents on the frozen banks of the Delaware, he very pleasantly remarked, that “the darkest part of the night was just before the dawn of day.” At the time he uttered that sentiment, he was projecting a plan to resume offensive operations, by a simultaneous attack on the enemy at Trenton and at Bordentown.

Although the attempt against the latter place failed, in consequence of the floating ice in the river, yet the main attack on Trenton, which was led by Washington, in person, was signally successful.

The courage, and military talents, indicated by that brilliant enterprise, attracted universal attention; as did the more hazardous movement which speedily followed, when he crossed the Delaware a second time—eluded the vigilance of the enemy at Trenton, and by a midnight march,

took the enemy by surprise at Princeton, broke through their line, captured many prisoners and much baggage, and placed the remnant of his army in secure and comfortable quarters in the high lands of Jersey.

Those masterly movements changed the aspect of the war, and verified the adage, that "all is not lost that is in danger." They convinced the commander of the British troops, that he had at least, *an equal* to contend with; and that the conquest of the colonies, which but a few days before, he believed to be on the point of consummation, was more remote than he had supposed, at the beginning of the contest.

Those desperate and successful achievements, confirmed the confidence of Congress and the people, in the prudence, bravery and skill of the American commander, and gave fresh hope and energy to the friends of liberty, in every part of the country. A short time before, they were in a state of despondency, and almost prepared to desist from further effort to oppose the oppressions of the mother country, and to establish the independence of their own.

Notwithstanding these brilliant achievements, individuals were found, ready to depreciate the character of the Commander-in-chief. A very formidable effort of that nature was made by some of the officers, under the influence of General Gates, immediately after the capture of Burgoyne. A little band of conspirators was then formed, who concerted a plan to supplant General Washington, and elevate Gates to the chief command in the army.

Although that attempt proved to be a miserable failure, yet the persons engaged in it, became the inveterate, irreconcilable enemies of Washington, and never afterwards permitted an opportunity, to question his talents or injure his military fame, to pass unimproved. The achievements at Trenton and Princeton, in the winter of 1776-7, were as distinguished for military skill, as for personal bravery; and were devised by himself, while his associates in arms, en-

camped on the banks of the Delaware, were indulging in hopeless despair. At that time, not a pen nor a tongue had ventured to question his wisdom or prudence, nor was any attempt of that nature made, prior to the conspiracy in the military family of General Gates. That plot soon exploded, and was put down; yet the persons engaged in it, still cherished their hostility, and suffered no opportunity of inflicting a wound on the feelings, or the fame of the Commander-in-chief, to pass unimproved. They awarded to others the credit of his plans, whenever it could be done with the least plausibility. It is remarkable, that this disposition to injure the standing of General Washington, was most active after General Gates, for whose benefit it was got up, had been defeated by Lord Cornwallis at Camden, and his army scattered to the winds; and after he himself had deservedly sunk into oblivion.

A manifestation of this spirit is found in the Memoirs of General Wilkinson, written after the close of the war, in which he gives General St. Clair the credit of proposing the night march on Princeton, as the most advisable expedient to save the army from impending ruin. It may also be found in a more recent attempt to award to General Mercer the honor and glory of originating the same proposition. On the interesting occasion of removing to Philadelphia the remains of that lamented officer, from Princeton, the field of his glory, and the battle ground on which he fell; the eloquent gentleman who delivered the eulogical address, exultingly affirmed, that in the council of officers convened in the American camp, on the evening of the 2nd of January, the gallant Mercer first advanced the bold idea of ordering up the militia from Philadelphia, and by a night march, attacking the enemy at Princeton.

These conflicting claims for the laurels of Washington, destroy each other; but if either be well founded, we cannot escape the conclusion, that the Commander-in-chief was the weakest officer in the army. He knew that the

British outnumbered him, seven to one—that they were well disciplined and provided with every thing necessary for their comfort; and that his own troops were undisciplined and destitute of almost every thing. He was at the time occupying a position of comparative safety, on the west bank of the Delaware. He knew that the enemy were so situated, that they could be united and brought to bear on any point in New Jersey, in forty-eight hours; and yet it is more than insinuated, that he deliberately abandoned the protection afforded by the river—changed his position without necessity; and placed his little band of half naked troops, the last hope of liberty, in a situation from which they could not retreat, and in which they could not sustain themselves twenty-four hours—without having any specific object in view, or having formed any plan for the government of his subsequent movements. In other words, that he plunged into imminent danger, unnecessarily regardless of consequences.

If such had been the case, he could not escape the charge of imbecility or infidelity. He must have been an impostor or a traitor; but he was neither—he saw and felt his situation to be desperate—his companions in arms were disheartened—his life, his fortune and his character were at stake, as well as the liberty of the nation. He therefore assumed the responsibility of forming his own plan, which was done before he crossed the Delaware and abandoned the protection it afforded. He knew that the enemy occupied Amboy, New Brunswick, Kingston, Princeton, Trenton, and Bordentown. The presumption, therefore, was, that they must be weak at some one or more of those points. That consideration suggested his plan, which was, to surprise them by a night march—break through their line at the point he might ascertain to be the most vulnerable, and place his army where they might rest in safety, through the residue of the winter.

In accordance with that arrangement, he crossed the

river, placed his army on the Sampink, in sight of the enemy at Trenton, and ordered their tents to be pitched and their fires kindled. He had previously directed the militia to join him from below, by a night march, and had sent out videttes to ascertain and advise him of the situation of the enemy between Trenton and New Brunswick. His arrangements were so made as to furnish the information required in time to enable him to reach the point of attack during the first night, and before his object was discovered by the enemy. In the interval, his officers, most of whom were ignorant of his plan, looked at the scene with amazement.

In the evening, his videttes came in, and, from their reports, it was apparent that Princeton was the weakest point in the line of the enemy. A council of officers was then called, to whom his movement was explained, and the information just received, communicated.

The only question then proposed to the council was, as to the place where the attack should be made. On that subject there was but one opinion. Whether General St. Clair or General Mercer first named Princeton, is not known, nor is it of the least importance. It is enough to know that that question was the only one submitted; and that the evidence necessary to decide it, was before them. All other matters had been settled by the Commander-in-chief in his own mind, and on his own responsibility.

The attack on Princeton, having been thus decided on, the little half clothed army of Washington, about midnight, silently withdrew from the shelter of their tents, in a cold winter night, and taking the *Quaker road*, because it was more circuitous, less traveled, and therefore afforded the greater prospect of avoiding discovery—arrived in sight of Princeton, fatigued and exhausted, at the first dawn of day. There they met two regiments of British troops, who had just commenced their march to Trenton. A severe conflict ensued, in which the Americans were repulsed and

thrown into disorder. The Commander-in-chief, seeing his danger, and knowing that every thing was at stake, rode to the front, addressed his troops, and conjured them to follow him. Order was restored, and the Americans, seeing their leader in the foremost front of the battle, rushed to the rescue, and in turn repulsed the enemy, and compelled them to retreat in disorder.

On that occasion, Washington exposed his person to the heaviest fire of the enemy, during the whole conflict, directing every movement of his troops himself; and it was evident, that the inspiring influence of his example decided the fate of the battle.

It was afterwards ascertained from the inhabitants of Trenton, that the first knowledge of the movement of the American army from their encampment on the Sampink, was communicated to them by the report of the American cannon from Princeton—Washington having taken the precaution to leave his tents standing, with a small detachment, to perform the ceremony of relieving guard, and replenishing the fires during the night.

The attempt to transfer the laurels of Washington to the brow of Mercer, is based on an allegation, that on the evening of the 2nd of January, in the board of officers then convened, "General Mercer first made the bold proposal to order up the Philadelphia militia, and make a night march on Princeton."

Now it appears, from Washington's official letter to Congress, that he had previously ordered them up—that they had actually joined the army on the night of the 1st, and were in camp, when, it is said, the proposition of General Mercer was made.

The claims which have been set up by the friends of different officers, to the honor of originating the plan of saving the army on that occasion, is sufficient of itself to discredit the story. If a proposition of that character had been made, the mover would have been known—his identity

could not have been mistaken; and he would have claimed his reward. The allegation presupposes that the entire plan of the Commander-in-chief, was concerted by his officers, after he had crossed the river, and placed himself in front of a vastly superior enemy, knowing that a retreat was impossible.

The fact was not so—his plan was his own—it was conceived in his own mind, on the west bank of the Delaware—was communicated to his officers on the bank of the Sampink, and manifestly saved his army, and secured the independence of his country.

BURNET'S NOTES

ON THE

NORTH-WESTERN TERRITORY.

CHAPTER I.

Population of the Territory in 1795-6.—Description of Cincinnati at that time.—Progress of settlement from 1788 to 1800.—Public buildings.—Social influence of the garrison.—Ordinance of 1787.—Its provisions.—Appointment of officers under it.—Treaty of Fort Harmar.—Re-organization of the Territorial Government.—Legislation of the Governor and Judges.—The Maxwell Code.

In the winter of 1795-6, Governor St. Clair and Judge Turner, who had recently visited the white settlements in the Territory, estimated their population at fifteen thousand souls, including men, women and children! At that time, Cincinnati was a small village of log cabins, including about fifteen rough, unfinished, frame houses, with stone chimneys. Not a brick had then been seen in the place, where now so many elegant edifices present themselves to the eye; and where a population is found, estimated at eighty thousand souls.

The city stands on a lower and an upper plane. The former rises about sixty feet above low water mark, and extends back from the river, about sixty-five or seventy rods. The latter is about forty feet higher than the former, and extends in the same direction, an average distance of about a mile and a half. When the town was laid out, and for several years after, the surface of the ground, at the base of the upper level, was lower than on the margin of

the river; in consequence of which, there was a narrow swamp or morass formed, which extended the entire length of the town, and subjected the inhabitants, during the summer and fall, to agues and intermittent fevers.

In September, 1796, the writer of this sketch, had one of those attacks, at the chief hotel of the village, owned and kept by Griffin Yeatman, an early emigrant from Virginia. His bed stood in a large room, neither lathed nor plastered, originally intended, and occasionally used, for a ball room; but ordinarily occupied as the common dormitory of the establishment. At the time referred to, there were fifteen or sixteen others lying sick in the same room, which gave it very much the appearance of a hospital. Unpleasant as the condition of those invalids was, not a murmur, or complaint was heard. Most of them had been accustomed to very different accommodations in sickness, but they knew they were as well provided for and attended to, as circumstances would permit, and were therefore contented.

The emigrants who were in the Territory in 1796, were few in number, and were located in different and remote settlements, between which there was but little intercourse. The country they inhabited was wild and uncultivated, and was separated from the Atlantic inhabitants, by a broad belt of rugged mountains, equally wild and uncultivated, containing scarcely the semblance of a road, bridge, ferry, or other improvement, to facilitate intercourse with the Atlantic states. The adjoining regions, on every side, were also uncultivated and without commerce, or the means of creating it. At that time, the primitive mode of transportation across the mountains, by pack-horses, had been but recently exchanged, for the greater convenience of the heavy Pennsylvania road-wagon, which wended its way slowly through the mountains. The country contained neither shelter nor protection for civilized man; nor had it any thing in the form of constitution or law, till after the promulgation of the Ordinance of 1787.

A correct idea of the progress made in settling the Territory, may be formed from these facts; that the first emigrants planted themselves at the mouth of the Muskingum, in the spring of 1788—that, at the close of 1795, after the lapse of seven years, the white population, of all ages, and both sexes, was ascertained to be fifteen thousand, according to the best information that could be obtained by the Governor and Judges, who had visited almost every settlement in the Territory; and that in 1800, by a census taken under the authority of Congress, the number was ascertained to be 45,365; being the entire population acquired by all the settlements in the Territory during the first thirteen years, after their commencement.

Prior to the Treaty of Greenville, which established a permanent peace between the United States and the Indians, but few improvements had been made, of any description, and scarcely one of a permanent character. In Cincinnati, Fort Washington was the most remarkable object. That rude, but highly interesting structure, stood between Third and Fourth streets produced, east of Eastern Row, now Broadway, which was then a two-pole alley, and was the eastern boundary of the town, as originally laid out. It was composed of a number of strongly built, hewed-log cabins, a story and a half high, calculated for soldier's barracks. Some of them, more conveniently arranged, and better finished, were intended for officers' quarters. They were so placed as to form a hollow square of about an acre of ground, with a strong block-house at each angle. It was built of large logs, cut from the ground on which it stood, which was a tract of fifteen acres, reserved by Congress in the law of 1792, for the accommodation of the garrison.

The artificers' yard was an appendage to the Fort, and stood on the bank of the river, immediately in front. It contained about two acres of ground, enclosed by small contiguous buildings, occupied as work-shops, and quarters for laborers. Within the enclosure, there was a large two-

story frame house, familiarly called the "yellow house," built for the accommodation of the Quartermaster General, which was the most commodious and best finished edifice in Cincinnati.

On the north side of Fourth street, immediately behind the Fort, Colonel Sargent, Secretary of the Territory, had a convenient frame house, and a spacious garden, cultivated with care and taste. On the east side of the Fort, Dr. Allison, the Surgeon General of the Army, had a plain frame dwelling, in the centre of a large lot, cultivated as a garden and fruitery, which was called Peach Grove.

The Presbyterian Church, an interesting edifice, stood on Main street, in front of the spacious brick building now occupied by the First Presbyterian Congregation. It was a substantial frame building, about 40 feet by 30, enclosed with clapboards, but neither lathed, plastered nor ceiled. The floor was of boat plank, laid loosely on the sleepers; the seats were of the same material, supported by blocks of wood. There was a breast-work of unplanned cherry boards, called the Pulpit, behind which the clergyman stood on a piece of boat plank, resting on wooden blocks. In that humble edifice, the pioneers and their families assembled, stately, for public worship; and, during the continuance of the war, they always attended with loaded rifles by their sides. That building was afterwards neatly finished, and some years subsequently, was sold and removed to Vine street, where it now remains, the property of Judge Burke.

On the north side of Fourth street, opposite where St. Paul's Church now stands, there stood a frame school house, enclosed, but unfinished, in which the children of the village were instructed. On the north side of the public square, there was a strong log building, erected and occupied as a jail. A room in the tavern of George Avery, near the frog-pond, at the corner of Main and Fifth streets, had been rented for the accommodation of the Courts; and

as the penitentiary system had not been adopted, and Cincinnati was a seat of justice, it was ornamented with a pillory, stocks and whipping-post, and occasionally with a gallows. These were all the structures of a public character then in the place. Add to these, the cabins and other temporary buildings for the shelter of the inhabitants, and it will complete the schedule of the improvements of Cincinnati, at the time of the treaty of Greenville. The only vestige of them, now remaining, is the Church of the Pioneers. With that exception, and probably two or three frame buildings which have been repaired, improved and preserved, every edifice in the city has been erected since the ratification of that treaty. The stations of defence scattered through the Miami Valley, were all temporary, and have, long since, gone to decay, or been demolished.

The improvements at Marietta, which was the chief town of the Ohio Company's purchase, though constructed more tastefully than those at Cincinnati, were all of a temporary character,—they have long since disappeared, and form no part of the objects seen at the present day. And indeed, with the exception of Detroit, and the old French settlements on the Wabash and Mississippi, in which some ancient structure may remain, the remark applies to every part of the Territory. All the productions of labor and art, north-west of the Ohio, have been produced since the peace of 1795.

It may assist the reader in forming something like a correct idea, of the appearance of Cincinnati, and of what it actually was at that time, to know, that, at the intersection of Main and Fifth streets, now the centre of business and tasteful improvement, there was a pond of water, full of alder bushes, from which the frogs serenaded the neighborhood during the summer and fall, and which rendered it necessary to construct a causeway of logs, to pass it. That morass remained in its natural state, with its alders and its frogs, several years after Mr. B. became a resident of the

place, the population of which, including the garrison and followers of the army, was about six hundred. The Fort was then commanded by William H. Harrison, a captain in the army, but afterwards President of the United States. In 1797, General Wilkinson, the commander-in-chief of the army, made it his head-quarters for a few months, but did not, apparently, interfere with the command of Capt. Harrison, which continued till his resignation in 1798.

During the period now spoken of, the settlements of the Territory, including Cincinnati, contained but few individuals, and still fewer families, who had been accustomed to mingle in the circles of polished society. That fact put it in the power of the military to give character to the manners and customs of the people. Such a school, it must be admitted, was by no means calculated to make the most favorable impression on the morals and sobriety of any community, as was abundantly proved by the result.

Idleness, drinking, and gambling, prevailed in the army, to a greater extent, than it has done at any subsequent period. This may be attributed to the fact, that they had been several years in the wilderness, cut off from all society but their own, with but few comforts or conveniences at hand, and no amusements but such as their own ingenuity could invent. Libraries were not to be found,—men of literary minds, or polished manners, were rarely met with; and they had long been deprived of the advantage of modest, accomplished female society, which always produces a salutary influence on the feelings and moral habits of men. Thus situated, the officers were urged, by an irresistible impulse, to tax their wits for expedients to fill up the chasms of leisure which were left on their hands, after a full discharge of their military duties; and, as is too frequently the case, in such circumstances, the bottle, the dice-box, and the card-table, were among the expedients resorted to, because they were the nearest at hand, and the most easily procured.

It is a distressing fact, that a very large proportion of the

officers under General Wayne, and subsequently under General Wilkinson, were hard drinkers. Harrison, Clark, Shomberg, Ford, Strong, and a few others, were the only exceptions. Such were the habits of the army when they began to associate with the inhabitants of Cincinnati, and of the western settlements generally, and to give tone to public sentiment.

As a natural consequence, the citizens indulged in the same practices, and formed the same habits. As a proof of this it may be stated, that when Mr. Burnet came to the bar, there were nine resident lawyers engaged in the practice, of whom he is, and has been for many years, the only survivor. They all became confirmed sots, and descended to premature graves, excepting his brother, who was a young man of high promise, but whose life was terminated by a rapid consumption, in the summer of 1801. He expired under the shade of a tree by the side of the road on the banks of Paint creek, a few miles from Chillicothe.

In July 1787, Congress, acting under the articles of confederation, passed the much admired Ordinance for the government of the Territory of the United States, north-west of the river Ohio, which was the first step towards the establishment of civil government within it. That ordinance affirmed and perpetuated the great principles of liberty, civil and religious, which had been set forth in the declaration of independence—re-affirmed in the treaty of 1783, and perpetuated by the federal constitution adopted in 1788.

There has been some diversity of opinion, as to the individual to whom the honor of the paternity of that document rightfully belongs. Some have claimed it for Mr. Jefferson, though he did not claim it himself. He supported and advocated the great principles of liberty which it avowed, and guaranteed to the people of the territory. The honor of drafting that instrument, on which the constitutions of all the north-western states are founded, belongs, of right, to Nathan Dane, a revolutionary patriot of Massachusetts.

He was its author—he reported it to Congress and persevered in explaining, and pressing it on their attention, till they became satisfied of its merits, and adopted it by a unanimous vote, Mr. Jefferson being at the time in France. That document was the constitution of the territory.

It vested the executive power in a Governor—the judicial power in a General Court, composed of three Judges, and the legislative power in the Governor and Judges, acting as a legislative council. It also provided for the appointment of a Secretary of the Territory, who was subsequently authorized, by an act of Congress, to execute all the powers and duties of the Governor, in case of his death, resignation, removal, or necessary absence from the territory. It also provided for the establishment of tribunals, inferior to the general court, and for the appointment of subordinate officers.

The legislative power was limited to the adoption of such laws of the original states, as they might think suited to the condition and wants of the people; which were to be submitted to, and approved by Congress. It also entitled the territory, as soon as it should be found to contain five thousand free male inhabitants, of full age, to a General Assembly, to consist of a legislative council and house of representatives, and also to a delegate in Congress.

For the purpose of carrying the Ordinance into effect and organizing a Territorial Government, Congress, on the 5th of October, 1787, elected Arthur St. Clair, Governor, and Winthrop Sargent, Secretary; and on the 16th of the same month they appointed Samuel Holden Parsons, John Armstrong, of Newburg, New York, and James Mitchell Varnum, Judges of the said Territory. On the 16th of January, John Armstrong declined the appointment, and John C. Symmes was chosen to fill the vacancy.

On the same day on which General St. Clair was appointed Governor of the Territory, Congress passed a resolution instructing him “to hold a general treaty with the tribes of Indians within the United States, inhabiting the country

north-west of the river Ohio, and about the lakes, at such time and place as he should appoint; for the purpose of knowing the causes of uneasiness among them—hearing their complaints—regulating trade, and amicably settling all affairs concerning lands and boundaries between them and the United States, agreeably to such instructions as should be given him, for that purpose.” In pursuance of that order he assembled the Indians at Marietta, in January following, and negotiated “the Treaty of Fort Harmar,” which, it was supposed, would ensure safety to the settlements then just beginning to be formed.

In the succeeding summer, the Governor, Judge Varnum, and Judge Parsons, met at Marietta, and commenced the duty of legislating for the territory. They continued in session till December, during which period they *enacted* a number of laws on different subjects, which were submitted to Congress, as the Ordinance required; but were not approved, on the ground, that the Governor and Judges, in their legislative capacity, were empowered only to adopt existing laws from the codes of the original states, and not to *enact* laws of their own formation. This was the only legislative business attempted under the commissions granted by the Congress of the old Confederation.

On the 2d of July, 1788, Congress were officially informed that the state of New Hampshire had adopted the new Federal Constitution; and as it had then been adopted by nine of the states, which was the number required to bring it into operation, measures were immediately taken for that purpose, in pursuance of the resolutions of the Federal Convention. The first Congress under the new Constitution was then elected, and in May, 1789, they assembled at Federal Hall, on Wall street, in the city of New York. That venerable body, composed of men of the first order of talent and patriotism, elected their officers,—installed *the Father of his Country* first President of the United States, and then pro-

ceeded to the important business which the Constitution had confided to them.

One of the first official steps of the President, was to submit to the Senate the Treaty of Fort Harmar, negotiated with the Indians during the preceding winter, which was approved and ratified. As it was understood that appointments under the Articles of Confederation, expired with the government by which they were made, the President nominated to the Senate, candidates for all the offices created in the Ordinance of 1787, which were taken up in Senate on the 20th of August, 1789, when Arthur St. Clair was re-appointed Governor, and Winthrop Sargent, Secretary of the Territory.

On the same day, Samuel Holden Parsons, John Cleves Symmes, and William Barton, were appointed Judges of the general court. Mr. Barton having declined the appointment, George Turner was chosen to fill the vacancy. Shortly after his appointment Judge Parsons died, and Rufus Putnam was appointed to fill his vacancy in March, 1790. He continued in office till December 1796, when he resigned his commission, to enable him to accept the office of Surveyor General, for which he had been nominated; and Joseph Gillman, of Point Harmar, was chosen to fill the vacancy. Judge Turner left the Territory in the spring of 1796, and before his return, resigned his seat on the bench, which was filled by the appointment of Return Jonathan Meigs, in February, 1796. The judges then in commission, continued to hold their seats till the territorial government was superseded by the adoption of a state constitution. These appointments completed the organization of the first grade of government, as far as depended on the action of congress.

In July, 1790, Winthrop Sargent, Secretary, and acting Governor of the Territory; John C. Symmes, and George Turner, Judges, met at Vincennes, in their legislative capacity, and passed an act to prevent the sale of spirituous

liquors, and an act to suppress gaming. Those enactments were subject to the same objection as is stated above—they were *enacted*, not *adopted*. Several legislative sessions were held after this, at which a number of laws were *drafted* and *enacted*, regardless of the limitation imposed by the Ordinance.

Although these laws were not approved by Congress, they continued in force for longer or shorter periods; and some of them till the second grade of government was established, notwithstanding strong doubts of their constitutionality were expressed by the bar. At length the Governor and Judges, discovering that their enactments had not been approved, began to doubt their correctness; and at a legislative session, held at Cincinnati, in the summer of 1795, they prepared a code of laws adopted from the statutes of the original states, which superseded the chief part of those they had previously enacted.

This body of laws was printed at Cincinnati, by William Maxwell, in 1796, from which circumstance it was called the Maxwell code. It was the first job of printing ever executed in the North-western Territory, and the book should be preserved, as a specimen of the condition of the art, in the western country, at that period. All the laws previously passed had been printed at Philadelphia, from necessity, because there was not at the time a printing office in the territory. The Maxwell code was supposed to be so full and complete, that but one short legislative session was held thereafter, in 1796, at which a few additional laws were adopted; after which the statutes of the territory underwent no alteration, till the first session of the General Assembly, held under the second grade of government, in 1799.

CHAPTER II.

Western Pioneers chiefly Revolutionary characters.—Colony from New England in 1787.—Formed by Cutler, Sargent & Co.—Arrive at the Yoghigany in the fall of 1787. Encamped for the winter.—Reach Marietta in April 1788.—Block-house erected.—A school and a church established.—Gen. R. Putnam leader of the party.—His character.—His appointment to office.—Poverty of Revolutionary officers drove them to emigrate.—Their sufferings.—Settlement under Major Stites, at Columbia.—Under Denman & Co. at Cincinnati.—Under Judge Symmes, at North Bend.—Locantville, intended name of a town never laid out.—Troops sent by Gen. Harmar, to the Miami settlements.—Where stationed.—Their behavior.—Attacked by the Indians at North Bend.—Major Mills severely wounded.—Villages laid out.—Donation lots.—Interview of Symmes with the Indians.—Settlement at Columbia plundered.—Captain Flinn taken prisoner.—Made his escape.—Comparative strength of the settlements at the Miamies.—Fort Washington built by Major Doughty.—Judicial Courts first established.—Anterior arrangements for administering Justice.—Indian hostilities.—Complaints of Judge Symmes against Gen. Harmar for withholding protection.—Temerity of the Pioneers and the Troops.

THE early adventurers to the North-western Territory, were generally men who had spent the prime of their lives in the war of Independence. Many of them had exhausted their fortunes in maintaining the desperate struggle; and retired to the wilderness to conceal their poverty, and avoid companions mortifying to their pride, while struggling to maintain their families, and improve their condition. Some of them were young men, descended from revolutionary patriots, who had fallen in the contest, or become too feeble to endure the fatigue of settling a wilderness. Others were adventurous spirits, to whom any change might be for the better; and who, anticipating a successful result,

united in the enterprise. Such a colony as this left New England in 1787, for the purpose of occupying the grant made to Sargent, Cutler & Company, on the Muskingum river; most of whom had served in the war of the Revolution, either as officers or soldiers. In their journey west they struck the Monongahela river, near the mouth of the Yoghigany, so late in the season, that it was deemed imprudent to descend the Ohio; they therefore encamped for the winter, and built a substantial row-galley, covered with a deck, which was an effectual protection against the rifles of the Indians, while on their passage down the river. After their arrival at the place of their destination, it was found to be of great use for the safe transportation of persons and property from place to place. The party landed at the mouth of the Muskingum, in April, 1788, with a good supply of provisions, and began their improvements.

Their first object was to erect a block-house and stockade, for defence; after which, they surveyed the town of Marietta, on the Ohio river, east of the Muskingum, and at the same time, village lots were laid out, west of that river, contiguous to Fort Harmar, then recently built, and garrisoned by United States' troops. Although many of those emigrants were men of distinction and energy, and subsequently filled the most important stations in the country, yet General Putnam, by common consent, seemed to be regarded as their principal chief and leader. He had been one of the veterans of the Revolution, and was much respected, as may be inferred from the many confidential appointments he received from government; chiefly on the nomination of President Washington. After his elevation to the bench, he was appointed a Brigadier General, in 1792. In the year following, he was commissioned to negotiate a treaty with the Indians, at Vincennes; in which he succeeded, and accomplished the object which the Government had in view, to their entire satisfaction.

In 1796 he was appointed Surveyor General, there being

then but one office of that grade, in the United States. His residence was on the east side of the Muskingum, about half a mile from the Ohio, where he constructed a large block-house of logs, enclosed by heavy pickets. In that rough, but comfortable residence he received his friends, and whoever saw proper to call on him, and entertained them with the simplicity and hospitality of an ancient patriarch.

During the sitting of the general court in October, 1796, shortly before he resigned his seat on the bench, a party of thirty or forty, including the court and bar, dined at his table in his humble but spacious cabin—while the block-house and stockade were yet standing. He entertained the party with a simple but dignified deportment, altogether natural. It was without ostentation, but with much good sense, mingled with wit and pleasantry. He recited anecdotes of the Revolution, and of the Indian war, which had then just terminated; in the hazards of both of which, he had participated. Some of his recitals were of a serious and distressing character—others were repeated with such comments as rendered them interesting and amusing.

The individuals composing the Marietta colony were principally descendants of the Puritan fathers, who commenced the settlement of Massachusetts in the winter of 1620. They retained a portion of the good old customs and steady habits of their pilgrim ancestors; and also of their veneration for the institutions of religion, literature and morality. Hence it was, that, as soon as they had provided shelter for themselves and their families, they directed their attention to the organization of a church. A convenient place for public worship was provided, and a pastor procured. A school was also organized at the same time. These were the first institutions of the kind got up within the North-western Territory; and the inhabitants of the colony, without distinction, contributed, with great good will, to sustain them.

Nothing can better establish the fact, that the officers of the revolution were illy compensated for their services and sufferings, in the long and distressing struggle for national liberty, than the destitute, dependent condition in which they found themselves, at the close of the war. After having spent the most valuable period of their lives in the army—enduring every species of exposure, fatigue, and suffering—they were dismissed and sent to their homes, if they were so fortunate as to have any, with nothing but empty promises, which have never been realized—and most of them with broken or impaired constitutions. War had been their trade, and most of them were destitute of any other profession.

The certificates they received, as evidence of the sums due them from the country, were almost valueless. They were bought and sold in the market, at two shillings and sixpence for twenty shillings: and so late as 1788, they were worth only five shillings in the pound; at which ruinous rates those meritorious men were driven by necessity to sell them, or to starve. These circumstances are here introduced, chiefly to account for the fact, that a large proportion of the early adventurers to the western wilderness, had been officers or soldiers in the revolutionary war. They were honorable, high-minded men, whose feelings rebelled at the thought of living in poverty, among people of comparative wealth, for the protection of which, their own poverty had been incurred.

Under the influence of that noble feeling, hundreds of those brave men left their friends and sought retirement on the frontiers, where no invidious comparisons could be drawn between wealth and poverty, and where they became again involved in the hazardous conflicts of another war.

Though the writer cannot refer to any register of the names of the persons who composed the colony of the Ohio Company, yet the fact that a large proportion of them had

served in the war of independence will be corroborated by stating the names of Putnam, Sargent, Whipple, Tupper, Sproat, Oliver, Greene, Cutler, Parsons, Nye, and Meigs—being a portion of those of them whom he knew and still recollects. It is also a fact, leading to the same conclusion, that three-fourths of the persons who formed the Miami Company, and advanced the first instalment of the purchase money, had served in the revolutionary war.

Soon after the settlement was commenced at Marietta, three parties were formed to occupy and improve separate portions of Judge Symmes' purchase, between the Miami rivers. The first, led by Major Benjamin Stites, consisted of eighteen or twenty, who landed in November, 1788, at the mouth of the Little Miami river, within the limits of a tract of ten thousand acres, purchased by Major Stites, from Judge Symmes. They constructed a log fort, and laid out the town of Columbia, which soon became a promising village. Among them were Colonel Spencer, Major Gano, Judge Goforth, Francis Dunlavy, Major Kibbey, Reverend John Smith, Judge Foster, Colonel Brown, Mr. Hubbell, Captain Flinn, Jacob White, and John Riley.

They were all men of energy and enterprise, and were more numerous than either of the parties who commenced their settlements below them on the Ohio. Their village was also more flourishing, and for two or three years contained a larger number of inhabitants than any other in the Miami purchase. This superiority, however, did not continue, as will appear from the sequel.

The second party destined for the Miami, was formed at Limestone, under Matthias Denman and Robert Patterson, amounting to twelve or fifteen in number. After much difficulty and danger, caused by floating ice in the river, they landed on the north bank of the Ohio, opposite the mouth of Licking, on the 24th of December, 1788. Their purpose was to establish a station, and lay out a town according to a plan agreed on, before they left Limestone.

The name adopted for the proposed town was Losanteville, which had been manufactured by a pedantic foreigner, whose name, fortunately, has been forgotten. It was formed, as he said, from the words *Le os ante ville*, which he rendered "the village opposite the mouth." Logicians may decide whether the words might not be rendered more correctly, the mouth before the village. Be that as it may, the settlement then formed was immediately designated by the name adopted for the projected town—though the town itself never was laid out, for reasons which will be explained hereafter. Yet, from the facts stated, a very general belief has prevailed that the original name of the town of Cincinnati was Losanteville, and that through the influence of Governor St. Clair and others, that name was abandoned, and the name of Cincinnati substituted. This impression, though a natural one, under the circumstances of the case, was nevertheless incorrect.

It is impossible to say what influence operated on the minds of the proprietors, to induce them to adopt the name of Cincinnati, in preference to the one previously proposed. Judge Symmes, being on the spot, might have advised it; but it is not probable that Governor St. Clair had any agency in it, as he was at the time negotiating a treaty with the north-western Indians, at Marietta, between which place and Cincinnati, there was then but very little intercourse. The truth may be gathered from the facts of the case, which are these.

Matthias Denman, of Springfield, New Jersey, had purchased the fraction of land on the bank of the Ohio, and the entire section adjoining it on the north, which, on the survey of Symmes' grant should be found to lie opposite the mouth of Licking river. In the summer of 1788, he came out to the west to see the lands he had purchased, and to examine the country. On his return to Limestone, he met among others, Colonel Patterson, of Lexington, and a surveyor by the name of Filson. Denman communicated

to them his intention of laying out a town on his land, opposite Licking ; and, after some conversation, agreed to take them in as partners, each paying a third of the purchase-money ; and, on the further condition, that Colonel Patterson should exert his influence to obtain settlers, and that Filson, in the ensuing spring, should survey the town, stake off the lots, and superintend the sale. They also agreed on the plan of the town, and to call it Losanteville. This being done, Patterson and Filson, with a party of settlers, proceeded to the ground, where they arrived late in December. In the course of the winter, before any attempt had been made to lay out the town, Filson went on an exploring expedition, with Judge Symmes, and others, who had it in contemplation to become purchasers, and settle in the country. After the party had proceeded some thirty or forty miles into the wilderness, Filson, for some cause not now known, left them, for the purpose of returning to the settlements on the Ohio ; and in that attempt, was murdered by the Indians. This terminated his contract with Denman, as no part of the consideration had been paid, and his personal services, in surveying the town, and superintending the sale of the lots, had become impracticable.

Mr. Denman, being yet at Limestone, entered into another contract with Colonel Patterson and Israel Ludlow, by which Ludlow was to perform the same services as were to have been rendered by the unfortunate Filson, had he lived to execute his contract. A new plan of a town was then made, differing, in many important respects, from the former,—particularly as to the public square, the commons, and the names of the streets. The whimsical name which had been adopted for the town to be laid out under the first contract, was repudiated, and Cincinnati selected, as the name of the town, to be laid out under the new contract. Late in the succeeding fall, Colonel Ludlow commenced a survey of the town which has since become the Queen City of the West. He first laid off the lots, which, by pre-

vious agreement, were to be disposed of as donations to volunteer settlers, and completed the survey at his leisure.

A misapprehension has prevailed, as appears from some recent publications, in regard to the price paid by the proprietors for the land on which the city stands. The original purchase by Mr. Denman, included a section and a fractional section, containing about eight hundred acres; for which he paid five shillings per acre, in Continental Certificates, which were then worth, in specie, five shillings on the pound—so that the specie price per acre was fifteen pence. That sum multiplied by the number of acres, will give the original cost of the plat of Cincinnati.

The third party of adventurers to the Miami Purchase, were under the immediate care and direction of Judge Symmes. They left Limestone on the 29th of January, 1789, and on their passage down the river, were obstructed, delayed, and exposed to imminent danger from floating ice, which covered the river. They, however, reached the Bend, the place of their destination, in safety, early in February. The first object of the Judge was to found a city at that place, which had received the name of North Bend, from the fact that it was the most northern bend in the Ohio river below the mouth of the Great Kanawha.

The water-craft used in descending the Ohio, in those primitive times, were flat-boats, made of green oak plank, fastened by wooden pins to a frame of timber, and caulked with tow, or any other pliant substance that could be procured. Boats similarly constructed on the northern waters, were then called *arks*, but on the western rivers, they were denominated *Kentucky boats*. The materials of which they were composed, were found to be of great utility in the construction of temporary buildings for safety, and for protection from the inclemency of the weather, after they had arrived at their destination.

At the earnest solicitation of the Judge, General Harmar sent Captain Kearsey with forty-eight rank and file, to pro-

tect the improvements just commencing in the Miami country. This detachment reached Limestone in December, 1788, and in a few days after, Captain Kearsey sent a part of his command in advance, as a guard to protect the pioneers under Major Stites, at the Little Miami, where they arrived soon after. Mr. Symmes and his party, accompanied by Captain Kearsey, landed at Columbia, on their passage down the river, and the detachment previously sent to that place joined their company. They then proceeded to the Bend, and landed about the first or second of February. When they left Limestone it was the purpose of Captain Kearsey to occupy the fort built at the mouth of the Miami, by a detachment of United States' troops, who afterwards descended the river to the Falls.

That purpose was defeated by the flood in the river, which had spread over the low grounds and rendered it difficult to reach the fort. Captain Kearsey, however, was anxious to make the attempt, but the Judge would not consent to it; he was of course much disappointed, and greatly displeased. When he set out on the expedition, expecting to find a fort ready built to receive him, he did not provide the implements necessary to construct one. Thus disappointed and displeased, he resolved that he would not attempt to construct a new work, but would leave the Bend and join the garrison at Louisville.

In pursuance of that resolution, he embarked early in March, and descended the river with his command. The Judge immediately wrote to Major Willis, commandant of the garrison at the Falls, complaining of the conduct of Captain Kearsey, representing the exposed situation of the Miami settlement, stating the indications of hostility manifested by the Indians, and requesting a guard to be sent to the Bend. This request was promptly granted, and before the close of the month, Ensign Luce arrived with seventeen or eighteen soldiers, which, for the time, removed the apprehensions of the pioneers at that place. It was not long,

however, before the Indians made an attack on them, in which they killed one soldier, and wounded four or five other persons, including Major J. R. Mills, an emigrant from Elizabethtown, New Jersey, who was a surveyor, and an intelligent and highly respected citizen. Although he recovered from his wounds, he felt their disabling effects to the day of his death.

The surface of the ground where the Judge and his party had landed, was above the reach of the water, and sufficiently level to admit of a convenient settlement. He therefore determined, for the immediate accommodation of his party, to lay out a village at that place, and to suspend, for the present, the execution of his purpose, as to the city, of which he had given notice, until satisfactory information could be obtained in regard to the comparative advantages of different places in the vicinity. The determination, however, of laying out such a city, was not abandoned, but was executed in the succeeding year on a magnificent scale. It included the village, and extended from the Ohio across the peninsula to the Miami river. This city, which was certainly a beautiful one, on paper, was called Symmes, and for a time was a subject of conversation and of criticism; but it soon ceased to be remembered—even its name was forgotten, and the settlement continued to be called North Bend. Since then, that village has been distinguished as the residence and the home of the soldier and statesman, William Henry Harrison, whose remains now repose in a humble vault on one of its beautiful hills.

In conformity with a stipulation made at Limestone, every individual belonging to the party received a donation lot, which he was required to improve, as the condition of obtaining a title. As the number of these adventurers increased in consequence of the protection afforded by the military, the Judge was induced to lay out another village, six or seven miles higher up the river, which he called

South Bend, where he disposed of some donation lots; but that project failed, and in a few years the village was deserted and converted into a farm.

During these transactions, the Judge was visited by a number of Indians from a camp in the neighborhood of Stites' settlement. One of them, a Shawnee chief, had many complaints to make of frauds practised on them by white traders, who fortunately had no connection with the pioneers. After several conversations, and some small presents, he professed to be satisfied with the explanation he had received, and gave assurances that the Indians would trade with the white men as friends.

In one of their interviews, the Judge told him he had been commissioned and sent out to their country, by the thirteen fires, in the spirit of friendship and kindness; and that he was instructed to treat them as friends and brothers. In proof of this, he showed them the flag of the Union, with its stars and stripes, and also his commission, having the great seal of the United States attached to it; exhibiting the American eagle, with the olive branch in one claw, emblematical of peace, and the instrument of war and death in the other. He explained the meaning of those symbols to their satisfaction, though at first the chief seemed to think they were not very striking emblems either of peace or friendship; but before he departed from the Bend, he gave assurances of the most friendly character. Yet, when they left their camp to return to their towns, they carried off a number of horses belonging to the Columbia settlement, to compensate for the injuries done them by wandering traders, who had no part or lot with the pioneers. These depredations having been repeated, a party was sent out in pursuit, who followed the trail of the Indians a considerable distance, when they discovered fresh signs, and sent Captain Flinn, one of their party, in advance, to reconnoitre. He had not proceeded far before he was surprised, taken prisoner, and carried to the Indian camp.

Not liking the movements he saw going on, which seemed to indicate personal violence, in regard to himself, and having great confidence in his activity and strength, at a favorable moment, he sprang from the camp, made his escape, and joined his party. The Indians, fearing an ambuscade, did not pursue. The party possessed themselves of some horses belonging to the Indians, and returned to Columbia. In a few days, the Indians brought in Captain Flinn's rifle, and begged Major Stites to restore their horses—alleging that they were innocent of the depredations laid to their charge. After some further explanations, the matter was amicably settled, and the horses were given up.

The three principal settlements of the Miami country were commenced in the manner above described; and although they had one general object, and were threatened by one common danger, yet there existed a strong spirit of rivalry between them—each feeling a pride in the prosperity of the little colony to which he belonged. That spirit produced a strong influence on the feelings of the pioneers of the different villages, and produced an *esprit du corps*, scarcely to be expected under circumstances so critical and dangerous as those which threatened them. For some time it was a matter of doubt, which of the rivals, Columbia, Cincinnati, or North Bend, would eventually become the chief seat of business.

In the beginning, Columbia, the eldest of the three, took the lead, both in the number of its inhabitants, and the convenience and appearance of its dwellings. It was a flourishing village, and many believed it would become the great business town of the Miami country. That delusion, however, lasted but a short time. The garrison having been established at Cincinnati, made it the head-quarters, and the depot of the army. In addition to this, as soon as the County Courts of the Territory were organized, it was made the seat of justice of Hamilton county. These ad-

vantages convinced every body that it was destined to become the emporium of the Miami country.

At first, North Bend had a decided advantage over it; as the troops detailed by General Harmar for the protection of the Miami pioneers were landed there, through the influence of Judge Symmes. That consideration induced many of the first adventurers to plant themselves at the Bend, believing it to be the place of the greatest safety. But, as has been stated, that detachment soon took its departure for Louisville. It appears also that Ensign Luce, the commandant of the party which succeeded it, did not feel bound to erect his fort at any particular place, but was at liberty to select the spot best calculated to afford the most extensive protection to the Miami settlers. Viewing his duty in that light, he put up a small temporary work, sufficient for the security of his troops, regardless of the earnest entreaty of the Judge, to proceed at once to erect a substantial, spacious, block-house, sufficient for the protection of the inhabitants of the village.

The remonstrances and entreaties of the Judge had but little influence on the mind of this obstinate officer; for, in despite of them all, he left the Bend, and proceeded to Cincinnati with his command, where he immediately commenced the construction of a military work. That important move was followed by very decided results—it terminated the strife for supremacy, by removing the only motive which had induced former emigrants to pass the settlements above, and proceed to the Bend. As soon as the troops removed from that place to Cincinnati, the settlers of the Bend, who were then the most numerous, feeling the loss of the protection on which they had relied, became uneasy, and began to follow; and ere long the place was almost entirely deserted, and the hope of making it, even a respectable town, was abandoned.

In the course of the ensuing summer, Major Doughty arrived at Cincinnati, with troops from Fort Harmar, and

commenced the construction of Fort Washington, which was the most extensive and important military work in the Territory belonging to the United States.

About that time there was a rumor prevailing in the settlement, said to have been endorsed by the Judge himself, which goes far to unravel the mystery, in which the removal of the troops from the Bend was involved. It was said and believed, that while the officer in command at that place was looking out very leisurely for a suitable site, on which to build the block-house, he formed an acquaintance with a beautiful black-eyed female, who called forth his most assiduous and tender attentions. She was the wife of one of the settlers at the Bend. Her husband saw the danger to which he would be exposed, if he remained where he was. He therefore resolved at once to remove to Cincinnati, and very promptly executed his resolution.

As soon as the gallant commandant discovered that the object of his admiration had changed her residence, he began to think that the Bend was not an advantageous situation for a military work, and communicated that opinion to Judge Symmes, who strenuously opposed it. His reasoning, however, was not as persuasive as the sparkling eyes of the fair dulcinea then at Cincinnati. The result was a determination to visit Cincinnati, and examine its advantages for a military post, which he communicated to the Judge, with an assurance that if, on examination, it did not prove to be the most eligible place, he would return and erect the fort at the Bend.

The visit was quickly made, and resulted in a conviction that the Bend could not be compared with Cincinnati as a military position. The troops were accordingly removed to that place, and the building of a block-house commenced. Whether this structure was on the ground on which Fort Washington was erected by Major Doughty, cannot now be decided.

That movement, produced by a cause whimsical, and ap-

parently trivial in itself, was attended with results of incalculable importance. It settled the question whether North Bend, or Cincinnati, was to be the great commercial town of the Miami Country. Thus we see what unexpected results are sometimes produced by circumstances apparently trivial. The incomparable beauty of a Spartan dame, produced a ten year's war, which terminated in the destruction of Troy; and the irresistible charms of another female, transferred the commercial emporium of Ohio from the place where it had been commenced, to the place where it now is. If this captivating American Helen had continued at the Bend, the garrison would have been erected there—population, capital, and business, would have centered there, and there would have been the Queen City of the West.

It has been made a question, at what period the settlement of the Northwestern Territory may be fairly considered as having commenced. Although individuals, and small exploring parties, connected with the Ohio Company, visited their purchase occasionally in 1786, but more frequently in 1787, yet it cannot be said that the settlement of it commenced in good earnest till the 7th of April, 1788; when they planted a numerous, well provided colony, at the junction of the Ohio and Muskingum rivers, in the immediate neighborhood of Fort Harmar, then occupied by a garrison of American troops.

That movement has been properly considered as the commencement of the permanent occupancy and settlement of that part of the Territory. In the spring and summer of 1788, a few emigrants came to the Miami Purchase, some of whom remained and joined the pioneer parties before mentioned, in the fall and winter of 1788-9; but the permanent occupancy of that part of the country must be dated from the succeeding year, when the three chief settlements, at Columbia, Cincinnati, and the Bend, were begun with such numbers, and in such a spirit, as evinced a firm determination to persevere and hold the country at all hazards.

When these settlements were commenced by emigrants who resorted to them, early in 1788, provision had not been made for the regular administration of justice. Judicial Courts had not been organized, and the inhabitants found themselves in an unpleasant situation, as they were exposed to the depredations of dishonest, unprincipled men, without the means of legal redress. To remedy that evil the people assembled to consult, and devise a plan for their common safety; they chose a Chairman and a Secretary, and proceeded to business. The meeting resulted in the adoption of a code of By-Laws for the government of the settlement, in which they prescribed the punishment to be inflicted for various offences—organized a Court—established the trial by jury—appointed Mr. McMillan Judge, and John Ludlow, Sheriff.

To these regulations they all agreed, and each gave a solemn pledge to aid in carrying them into effect. It was not long before a complaint was made against Paddy Grimes, for robbing a truck-patch, on which the Sheriff was commanded to arrest him, and summon a jury for his trial. The order was obeyed, and on hearing the evidence, the jury found him guilty, and he was sentenced to receive twenty-nine lashes, which were inflicted in due form on the same afternoon. Other complaints of a similar character were made, but, in consequence of the interference of the officer in command of the garrison, no further decisive proceedings were had; and this useful tribunal, organized for self-protection, on the genuine principles of Judge Lynch, was abandoned—but not without a serious conflict between the citizens and the military, in which Mr. McMillan received very serious and permanent injuries.

Fortunately, this state of things was soon terminated by the establishment of "A General Court of Quarter Sessions of the Peace and County Courts of Common Pleas," by virtue of a law for that purpose, published at Marietta on the 23d of August, 1788, which superseded the Lynch code, before

it had been in operation an entire year. Mr. McMillan was appointed the Presiding Judge of those Courts in the county of Hamilton.

The professions of friendship made by the Indians in the winter of 1788-9, whether sincere or not, were of short duration. The prevailing opinion at the time was, that they were sincere; and that the assurances given by Judge Symmes, had removed from their minds, the apprehension of danger, produced by the unexpected occupancy of so many parts of their country simultaneously. It required, however, but a short time to solve that matter. Within a few days after those assurances were given, depredations were perpetrated on the property of the emigrants, and soon after, on their lives; so that before the year closed the existence of war, undisguised, was apparent to all. That condition of things was attributed, in part, to the frauds practised on the Indians by unprincipled, wandering traders, wholly unconnected with the pioneer settlers; and, in part, to the efforts of persons in the employ of the British Fur Company, to poison their minds and instigate them to hostility, by telling them that the Americans were maturing a plan to seize their country, and drive them beyond the Lakes. An attempt to solve those questions, or account for the conduct of the Indians, would probably be considered, at this day, as a useless waste of time. The first year after those assurances were made, had not expired, when Filson was killed—the settlement of Major Stites plundered—Captain Flinn taken prisoner—a surveying party under Mr. Mills, attacked, with the loss of two men killed—and the settlement at the Bend assailed, on which occasion one man was killed and several others wounded.

To these occurrences, which took place in less than a year, after the assurances of friendship referred to, were made to the Judge, may be added, many other acts of violence and murder which followed in quick succession—as

for example, the assassination of Hunt, Cutter, Freeman, Truman, and Hardin—and the list might be enlarged still further, were it necessary. These losses were in part attributed to the want of such military protection as Judge Symmes alledged was in the power of General Harmar to afford.

Although that officer had but a single regiment at his disposal, yet, as the points to be protected were few, it was believed he might have accomplished the object to a greater extent than he did. The Muskingum and the Miami settlements were the only ones then existing in the Territory. They varied but little in numbers, and yet the latter was left for protection with less than an average of half a company, during the first, and a part of the second, year. At this unequal disposition of the troops, the Judge complained. He charged General Harmar with partiality, and his feelings were so much excited by this palpable neglect, that he instructed his agent in New Jersey, to present the case to the Secretary of War, and request his interposition. It does not appear that such a complaint was made, or, if made, that any serious notice was taken of it.

It is impossible to look at the condition of the Miami country in 1788 and 1789, without coming to the conclusion that such a military force as might have been stationed there, without inconvenience, and without injustice to any other portion of the Territory, would have prevented much suffering—saved many losses—and induced a number of the early emigrants to establish themselves in that delightful region, who turned from it in consequence of its exposed and unprotected condition, and made their locations elsewhere. This difficulty is most probably ascribable to the fact, that an unreasonable proportion of the regiment was stationed at the Falls, during this period of difficulty and danger. To one who knew the defenceless situation of those

settlements, it is matter of surprise, that they did not suffer more severely than they did.

It is a perversion of language, to apply the phrase *military protection*, to any thing enjoyed by the Miami people, at the time when protection was most wanted. If it be asked what protection they really did receive, during the period of their greatest exposure, the answer may be given in few words. Eighteen soldiers were stationed about thirty days at Columbia, in the fall of 1788; one company halted at North Bend thirty-four days, in the winter of 1788-9; after which a detachment of eighteen, rank-and-file, landed at the same place, where they remained a few days, and then proceeded to Cincinnati. This constitutes the military protection afforded to three infant settlements, extending nearly thirty miles in an enemy's country. "*Risum teneatis amici.*"

After looking on this picture, nobody can feel surprised that Judge Symmes, whose life and fortune were at stake, should lose his temper and complain. In spite, however, of those early disadvantages, the Miami valley took the lead of every other portion of the great West, in population and enterprise.

At the time here spoken of, the woods were literally swarming with Indians, scattered in every direction; and, in addition to other difficulties, those who ventured into the wilderness, from duty or choice, were in constant danger of meeting some of those parties, and suffering the consequences. It was a matter of surprise, to all who were conversant with the condition of the army, during the whole period of the Indian war, that so many, and such fearful risks were run, attended with so small a number of disasters. Next to the protecting care of Providence, this is ascribable to an insensibility to danger, produced by a constant exposure, which renders the mind callous, and at the same time collected; and prepares it to act promptly,

in any emergency. It is known from experience, that habitual exposure to danger robs it of its terrors, and inspires the white man with the same presence of mind, the same vigilance, and the same acuteness of perception of the presence of danger, or the near approach of an enemy, which the aborigines possess in so remarkable a degree.

Those persons who had early intercourse with the officers who served in the western campaigns, were surprised at the levity with which they spoke of their exposures and hair-breadth escapes; and the calm indifference manifested at the recital of scenes of disaster, which must have been highly distressing. This did not proceed from any want of natural tenderness or sympathy, but from temporary obtuseness of feeling, acquired during their campaigns in the Indian country.

It seems to be a kind provision of Providence, that men constitutionally timid and sensitive to danger, cease to be agitated by fear, after they have become familiar with scenes of distress and objects of misery. Under such circumstances they soon learn that steady nerves are necessary to ensure personal safety, and that the indulgence of fear agitates the mind, and renders it unfit to draw safe conclusions, when pressing danger calls for instant action.

CHAPTER III.

Counties in the Territory.—Their Seats of Justice and Courts.—The General Court.—Its powers.—Its usurpations as Legislators.—Fatigue and exposure of the Bar.—Extent of their circuit.—A game of Indian foot-ball.—Journey from Cincinnati to Vincennes, in December, 1799.—Gen. George Rogers Clark.—His achievements and victories.—His conquests the chief ground of the American claim to the North-western Territory.—Embarrassments of his situation.—His expedients to support his troops.—Ingratitude of the Government.

WHEN the writer of these notes came to Cincinnati, only four counties had been established and organized in the Territory—each of which was sufficiently extensive to form an independent state. They bore the names of Washington, Hamilton, St. Clair, and Knox; in honor of the distinguished revolutionary patriots after whom they were called, and who, in public estimation, stood on the scale of merit, in the order in which they are here named. The seat of justice of the county first mentioned, was established at Marietta—the second at Cincinnati—the third at Kaskaskias—and the fourth at Vincennes, then generally called *Au Post*.

As the population of the territory increased, new settlements were formed, and the Governor proceeded, from time to time, as the convenience of the inhabitants required, to lay out and organize other counties, under the power delegated by the ordinance; in each of which, Courts of Common Pleas, and General Quarter Sessions of the Peace, vested with civil and criminal jurisdiction, were established.

The General Court consisted of three judges, appointed by the President, with the advice and consent of the Senate; each of whom received a salary of eight hundred dollars, from the Treasury of the United States. It was the highest judicial tribunal in the Territory, and was vested with original and appellate jurisdiction in all civil and criminal cases, and of capital cases: and on questions of divorce and alimony, its jurisdiction was exclusive. It was, however, a Common Law Court merely, without Chancery powers, and it was the court of dernier resort.

It had power to revise and reverse the decisions of all other tribunals in the Territory; yet its own proceedings could not be reversed or set aside, even by the Supreme Court of the United States. It was held at Cincinnati, in March; at Marietta, in October; at Detroit, and in the western counties, at such time in each year as the judges saw proper to designate.

In conjunction with the Governor, or, in his absence, the Secretary of the Territory, they were constituted a legislative body, and vested with power to adopt any law in force in either of the original states; and it was made their duty to report all laws so adopted, to the Congress of the United States, for their approbation. If they were approved by that body, they became the laws of the Territory, until repealed by themselves, or by the General Assembly, thereafter to be established.

From some cause or other, those intelligent men, at first, overlooked the restriction imposed on their power, by the ordinance; and proceeded to enact laws at their own discretion—which, of course, could not be approved by Congress. And moreover, after they recognized the restriction, and professed to conform to it, any person who will be at the trouble of collating the laws professedly adopted, with the originals in the statute books from which they were taken, will find that all of them are more or less altered and modified, in substance as well as in form; and many of

them so mutilated and changed as to retain but little more than the title and the enacting clause. According to their construction of the compact, the limitation imposed on their discretion was entirely useless.

The propriety of their course was frequently questioned by the bar, and a disposition existed to test its validity. No attempt, however, was made for that purpose, in consequence, probably, of the fact, that Congress had merely withheld their assent, without expressing an actual dissent; and that as the validity of the laws would be decided by the same men who passed them, the hope of a successful result was too weak to justify the undertaking. The consequence was, that all the laws professedly adopted and promulgated by that *quasi* Legislature, were treated as constitutional by the bar and by the Courts, and were continued in force till they were confirmed, repealed, or amended, and adopted by the Legislature of the Territory.

The Governor, who acted with the Judges, as one of the Legislative Council, in the adoption of those laws, remonstrated against the course pursued at the time; and afterwards, in his first address to the Territorial Legislature, in 1799, called their attention to the subject, and recommended such legislation as might be thought necessary to legalize the proceeding, or remove any doubt that might exist in reference to it. In conformity with that recommendation, the subject was taken up, and the remedy applied.

A reference to the map of the Territory, showing the relative position of the seats of justice of the different counties, as they were at that time, separated from each other by extensive tracts of uninhabited wilderness; stretching from a hundred and fifty to two hundred miles, without roads, bridges, or ferries, would lead to the opinion, that the legal business of each county was done exclusively, by those professional men who resided at its seat of justice. That, however, was not the case. From the year 1796, till the formation of the State Government in 1803, the bar of

Hamilton county occasionally attended the General Court at Marietta, and at Detroit, and during the whole of that time, Mr. St. Clair, Mr. Symmes, and Mr. Burnet, never missed a term in either of those counties.

The journeys of the Court and Bar, to those remote places, through a country in its primitive state, were unavoidably attended with fatigue and exposure. They generally traveled with five or six in company, and with a pack-horse to transport such necessities as their own horses could not conveniently carry, because no dependence could be placed on obtaining supplies on the route: although they frequently passed through Indian camps and villages, it was not safe to rely on them for assistance. Occasionally, small quantities of corn could be purchased for horse feed, but even that relief was precarious, and not to be relied on.

In consequence of the unimproved condition of the country, the routes followed by travelers were necessarily circuitous, and their progress slow. In passing from one county seat to another, they were generally from six to eight, and sometimes ten, days in the wilderness; and, at all seasons of the year, were compelled to swim every water course in their way, which was too deep to be forded; the country being wholly destitute of bridges and ferries: travelers had therefore to rely on their horses, as the only substitute for those conveniencies. That fact made it common, when purchasing a horse, to ask if he were a good swimmer, which was considered one of the most valuable qualities of a saddlehorse. Strange as this may now appear, it was then a very natural enquiry; and the importance of it may be seen from the following concise narrative.

In the fall of 1801, Mr. Burnet, on his return from the General Court at Marietta, without company, found it necessary in consequence of recent heavy rains, to swim his horse frequently on the route, once at White Oak, which

was unusually high; the bottom on the east side being entirely flooded. When he first approached it, he paused and hesitated, but on discovering that the water was yet rising, he determined to proceed. To keep his papers dry, they were removed from his saddle-bags to his cloak, which was rolled up and tied behind him. The opposite bank was a bluff, through which a pathway had been dug to the water's edge for the safety and convenience of travelers.

After wading through the bottom to the margin of the creek he stopped and calculated the velocity of the current as well as he could, by the movement of the drift wood, for the purpose of deciding how far he should enter above the path, to strike the opposite landing; this done, he put in, with his horse's head bearing up stream, but the animal chose to steer for himself, and seeing the landing place on the opposite side, made directly for it. Being a fine swimmer, he struck it at the lower point, so as to enable his rider to seize a bush in the edge of the water by which he aided the animal in extricating both himself and rider from the most imminent danger. About two miles further on, he swam another small run, which was swollen to an unusual height. A few miles still further, brought him to the east fork of the Miami, opposite Williamsburg, which he also swam, rather than wait for a canoe to be sent over. On the next day he had to swim the same stream near where the town of Batavia now stands, and afterwards, the Little Miami, at Turpin's Bottom. This adventure furnishes the reason why dexterity in swimming was so highly prized in a saddle horse in those primitive times.

Exposures of a similar nature were frequent. In the preceding fall, Judge Symmes, in company with five or six of the Cincinnati Bar, set out from that place for Marietta, to attend the General Court. They traveled the route by Chillicothe and the Scioto saltworks, crossing the Hocking river near the place where the town of Athens now stands. At that place they found a cabin, and were informed by the

family occupying it, that six or eight miles below, there was a path leading from the river direct to Marietta, which was a nearer and better way than they had been accustomed to travel, by the mouth of that river. When they came to the path which had been recommended, it was late in the afternoon, and the clouds threatened rain; they determined, however, to take it, and proceeded on their journey. As long as daylight lasted they succeeded very well, but night soon came on, and it became so extremely dark that it was almost impossible to keep the path, which was covered with fallen leaves. This induced some of the party to call a halt, and propose to stop and encamp for the night; but the majority determined to proceed, and that one at a time should dismount, and lead the way on foot, relying on the sense of feeling to keep the path. This plan was adopted, and the party went on slowly.

Some time after midnight, Mr. B. was on foot, leading his horse, in front, and feeling for the path, when he stepped down a precipice about three feet; his horse being frightened, suddenly drew back, and prevented him from falling. On regaining his former position, it was ascertained that a little in the rear of that precipice, the path turned to the left at nearly a right angle, and went down a sidelong hill some fifty feet or more, to a creek, which proved to be Wolf creek. On the opposite bank, it was ascertained by the barking of dogs, that there was an inhabited cabin, into which, after many entreaties and multiplied assurances that they were honest, peaceable travelers, they were admitted, and sheltered for the residue of the night. The next morning, a ride of twelve miles took the party to Marietta.

After the close of the Term, Mr. B. with two or three of the party, returned home by the same route. When they arrived at Wolf creek, and he saw, that within three feet of the small precipice, from which he had stepped in the dark, there was another, almost perpendicular, down to the bed of the creek, and saw the tops of the trees immediately below,

into which a step or two more would have carried him, his feelings may be imagined, but cannot be described.

Such excursions were frequent during the first twelve or thirteen years after the settlement of the Territory began; and although they were attended with privation and exposure, and often with great personal danger, yet they were not destitute of interest, or amusement. The exploration of the rich, luxuriant forest and prairie, through which they passed, could not fail to produce the most pleasurable sensations. The opportunity of learning the habits, and mode of living, of the Aborigines, and of studying the peculiarities of their character, was a matter of interest to every traveler; and scarcely a day passed without some occurrence of an amusing or instructive nature.

On one of the journeys of the Court and Bar, to Detroit, they arrived at the Ottawa town, on the Auglaize, about the middle of the day, and accepted an invitation to remain there till the next morning. Blue Jacket, the Shawnee chief, who commanded in the battle of the 20th of August, 1794, resided at that village, but was then absent. The party, however, were received very kindly by the venerable old Delaware chief Bu-kon-ge-he-las, whose name has been given to a fine mill-stream in Logan county. He was one of the chiefs who negotiated the treaty at the mouth of the Big Miami, with General George R. Clark, in 1786, in which his name is written Bo-hon-ghe-lass.

In the course of the afternoon he got up a game of football, for the amusement of his guests, in the true aboriginal style. He selected two young men to get a purse of trinkets made up, to be the reward of the successful party. That matter was soon accomplished, and the whole village, male and female, in their best attire, were on the lawn; which was a beautiful plain of four or five acres, in the center of the village, thickly set in blue grass. At each of the opposite extremes of this lawn, two stakes were set up, about six feet apart.

The men played against the women; and to countervail the superiority of their strength, it was a rule of the game, that they were not to touch the ball with their hands on the penalty of forfeiting the purse; while the females had the privilege of using their hands as well as their feet; they were allowed to pick up the ball and run and throw it as far as their strength and activity would permit. When a squaw succeeded in getting the ball, the men were allowed to seize—whirl her round, and if necessary, throw her on the grass for the purpose of disengaging the ball—taking care not to touch it except with their feet.

The contending parties arranged themselves in the center of the lawn—the men on one side and the women on the other—each party facing the goal of their opponents. The side which succeeded in driving the ball through the stakes, at the goal of their adversaries, were proclaimed victors, and received the purse, to be divided among them.

All things being ready, the old chief came on the lawn, and saying something in the Indian language not understood by his guests, threw up the ball between the lines of the combatants and retired; when the contest began. The parties were pretty fairly matched as to numbers, having about a hundred on a side, and for a long time the game appeared to be doubtful. The young squaws were the most active of their party, and most frequently caught the ball; when it was amusing to see the struggle between them and the young men, which generally terminated in the prostration of the squaw upon the grass, before the ball could be forced from her hand.

The contest continued about an hour, with great animation and various prospects of success; but was finally decided in favor of the fair sex, by the herculean strength of a mammoth squaw, who got the ball and held it, in spite of the efforts of the men to shake it from the grasp of her uplifted hand, till she approached the goal, near enough to throw it through the stakes.

When the contending parties had retired from the strife, it was pleasant to see the exultation expressed in the faces of the victors, whose joy was manifestly increased by the circumstance that the victory was won in the presence of white men, whom they supposed to be highly distinguished and honored in their nation; a conclusion very natural for them to draw, as they knew the business on which their guests were journeying to Detroit. The party spent the night very pleasantly in the village, and in the morning resumed their journey.

On their outward trip they took the route by Dayton, Piqua, Loramie's, St. Mary's, and the Ottawa town, on the Auglaize, and from thence down that river, to Defiance; thence to the foot of the Rapids, and thence by River Raisin to Detroit; but on their return from Detroit, they crossed the Maumee river at Roche de Bœuf, by the advice of Black Beard, a personal friend of Judge Symmes, who lived in that neighborhood, and with whom the party breakfasted. As a matter of precaution, they hired his son to accompany them, in the capacity of a guide. He led them through a succession of wet prairies, over some of which it was impossible to ride, and it was with great difficulty they were able to lead, or drive their horses through the deep mud which surrounded them on all sides. After two days and a half of incessant toil and difficulty, they arrived at the same village in which they had been so kindly treated, and so much amused, on their outward trip. To their great mortification and disappointment, they were informed that Blue Jacket had returned from Cincinnati a day or two before, with a large quantity of whiskey, and that his people were in a high frolick. This information was soon confirmed, by the discovery, that the whole village, male and female, were drunk. The party, however, were received with great kindness, but it was in a style they were not disposed to permit.

An old withered looking squaw, very drunk, was ex-

tremely officious. Knowing that Mr. St. Clair, one of the party, was the attorney general of the Territory, and son of the Governor, her attentions were principally conferred upon him—she kissed him, and exclaimed, “You big man—Governor’s son,” then turning to the rest of the party, said with marked contempt, “You be milish,” and then kissed Mr. St. Clair again. It was certainly one of those rare occasions, on which men of sensibility and delicacy, feel the advantage of being placed at a low grade, on the scale of dignity.

It was manifestly impossible to remain in the village, and the only alternative was to proceed on their journey. It was then late in the afternoon; they were much fatigued, and had a wet swampy path of twelve miles to pass over, to the St. Mary’s, through a valley swarming with gnats and mosquitoes. It was a choice of evils; but as there was no room to hesitate, they saddled their horses and started. Night overtook them in the middle of the swamp. There being no moon, and the forest very dense, it was found impossible to keep the path, much less to see and avoid the quagmires on every side. They had no alternative, and were compelled to halt till morning. To lie down was impossible, from the nature of the ground; and to sleep was still more difficult, as they were surrounded with gnats and mosquitoes. After remaining in that uncomfortable condition, five or six hours, expecting every moment their horses to break away, day-light made its appearance for their relief. About sunrise they arrived at the old fort, Adams, at the crossing of the St. Mary’s, then occupied by Charles Murray and his squaw, where they got breakfast, and proceeded on their way to Cincinnati.

Journeys of a similar character were of frequent occurrence during the continuance of the Territorial government, and for some years after. But it is not proposed to detain

the reader with an account of more than one other excursion of that character.

In December, 1799, Mr. St. Clair and Mr. Burnet set out on a trip from Cincinnati to Vincennes, on professional business. Mr. Morrison, who was on his way from New-England to Kaskaskias, with a view of establishing himself on the Mississippi, traveled with them. They purchased a small Kentucky boat, sometimes called an ark, in which they embarked with their horses, provisions, etc. In the afternoon of the fourth day they arrived at the Falls of the Ohio, where they left their boat, mounted their horses, and proceeded on their journey. About nine o'clock in the evening, they discovered, at a little distance from the path they were traveling, a camp of four or five Indians, which they approached. After having shaken hands with them, they procured a brand of fire, and proceeded some distance further on their way, and then halted for the night. Having brushed away the snow from the spot they had selected for their camp, and collected a good supply of wood for the night, they kindled a fire, took some refreshment, wrapped themselves in their blankets, and laid down to sleep.

The next night they encamped in a rich valley, where they found an abundance of fallen timber, which enabled them to keep up a large fire through the night, before which they slept very comfortably till morning. During the night, a couple of panthers, attracted by the light of the fire, approached sufficiently near the camp, to serenade them with their unwelcome music—but kept at a respectful distance. The next day, they encountered a severe snow-storm, during which they surprised eight or ten buffalo, sheltering themselves from the storm, behind the top of a beech tree, full of dead leaves, which had fallen by the side of the “trace,” and hid the travelers from their view. The tree and the noise of the wind among its leaves, prevented them from discovering the party, till they had approached within

two rods of the place where they stood. They then took to their heels, and were soon out of sight. One of the company drew a pistol and fired, but without any visible effect.

That evening they reached White river, where they found an old cabin deserted by its builder, in which a large wild cat had taken shelter, and seemed disposed, at first, to vindicate his right of possession. He was, however, soon ejected, and the travelers entered and occupied the premises without molestation, during the night, and without attempting to do personal violence or injury to the tenant they had dispossessed. The next morning they arrived at Post Vincennes, where they tarried about a week. In the mean time, Mr. Morrison proceeded westward. As soon as Messrs. S. and B. had closed their business, they set out for home, having abandoned the idea of engaging in the practice of law in that county, from a conviction that the profits of the business would not be an adequate compensation for the fatigue and loss of time to which it would subject them.

Before they left the Post, Colonel Vigo—a French gentleman, who had been an Indian trader more than forty years, (and had in that time made and lost one or two fortunes;) but was a generous, high minded man, in all circumstances—furnished ample stores for their journey, which he constrained them to accept, including a complete apparatus for striking and kindling fires. No occurrence of importance took place on the first day. The second brought a snow-storm, which continued through the day. About noon they halted to feed their horses and partake of some refreshment. The snow was brushed from a log by the side of the “trace,” on which they sat down and dined sumptuously on a frozen chicken, a biscuit, and some old peach brandy, put up for them by their hospitable friend. It was their calculation when they left Vincennes, to encamp that night on Blue river, but being mistaken as to the distance, they did not reach the place till several hours after dark.

The weather having then moderated, it commenced raining, and the rain continued to fall during the principal part of the night.

As this crossing place was the best ford on the river, it had been the common encamping ground of travelers, between the Falls and Vincennes, from the first establishment of the Post, in the year 1735, and as a matter of course, all the fuel that could be conveniently obtained, had been used up. Nothing remained in the vicinity, but the larger class of trees, which travelers, after a tedious day's journey, were not disposed to encounter, though they might have the means of felling them. After rambling through the woods in the snow, which was six or eight inches deep, they succeeded in gathering some dry limbs that had recently fallen, which they carried to the place selected for their camp, and then kindled a cheerful little fire, sufficient to boil a pot of coffee, and thaw a frozen roast chicken; but by the time their supper was finished, their stock of fuel was exhausted, and their fire went out. Thus situated, their prospects for the night were any thing but cheering—the ground covered with snow, the rain falling plentifully, and their fire extinguished.

Determined, however, to make the best of their situation, they scraped away the snow, and with their coats and blankets wrapped themselves up as comfortably as they could, and laid down for the night. Their saddle-bags served for pillows, and their saddles were so placed as to shelter their heads. In that manner they slept as comfortably as circumstances permitted, till morning. When they rose from their beds they were as wet as they could have been if they had slept in the bed of the river. Having no fire, they made a cold breakfast, tempered it with a little peach-brandy, then saddled their horses and started for Louisville, where they arrived about dark, on Christmas evening. Being very much fatigued, they partook of a good supper and retired to comfortable beds.

The next morning they rode into the country some ten or twelve miles, to see, and pay their respects to, General George Rogers Clark, who then lived with his brother. They were received with kindness, and invited to spend the day.

At that time the exploits of General Clark, whose military talents were of a high order, were fresh in the recollection of the country. Early in the Revolutionary War, while a private citizen, holding no commission, civil or military, he distinguished himself by his efforts to protect the frontier settlements of Virginia and North Carolina, against the incursions of the Indians.

He led the party which made the first lodgement at the Falls of the Ohio, where an improvement was then commenced, from which the splendid city of Louisville has grown up. He was the leading commissioner in negotiating a treaty between the United States and the chiefs and warriors of the Shawanee nation, including a part of the Delawares, at the mouth of the Big Miami, in January, 1786, by which the United States were acknowledged to be the sole and absolute sovereigns of all the territory ceded by the treaty of peace with Great Britain in 1783.

His expedition to the Mississippi in 1778, was then a part of the unwritten history of the Revolution, but it was universally known, and justly appreciated in the West; and it gave him a high rank among the military men of his day. When the Commonwealth of Virginia sent him a Colonel's commission, accompanied with a warrant to raise a regiment of volunteers, and for that purpose to make contracts on the credit of the State, they did not furnish him with funds for the purpose, but left him to procure them, in the best way he could; either on their credit, or on his own. Yet such was his perseverance, and so unbounded was his confidence in the honor of his native State, and such was his influence with the people of the West, who knew his bravery and his military talents, that he soon raised a regi-

ment of hardy Kentuckians, whom he inspired with his own spirit, and having attached them warmly to his person, led them to the Mississippi, and captured the posts at Kaskaskias and Cahokia. The inhabitants of those villages, on receiving a promise of protection, declared allegiance to the United States. At that time, Governor Hamilton was at Fort Vincennes, making his arrangements to capture Clark and his band of heroes, which he expected to accomplish, with but little difficulty. Clark, however, was aware of the Governor's purpose, and also of the danger of his own situation, and determined to anticipate his enemy. Having left a sufficient number of men to ensure the safety of the conquests he had already made, he proceeded with the residue by a forced march through swamps and quagmires to the Wabash, where he arrived, without the loss of a man, though the country was so flooded, that they were sometimes compelled to swim. The advance of the troops was so arranged, as to bring them to the village, before the dawn of day, and before the Governor was advised of their movement from the Mississippi. The consequence was, the post was carried by storm, and the Governor and his troops made prisoners of war.¹

(1) Col. John Paul, late of Madison, Indiana, who served as a volunteer in the expedition to the Mississippi and the Wabash, under the command of Gen. Clark, at that time a colonel in the service of Virginia, stated in frequent conversations with the writer of this narrative : that the colonel embarked with his regiment at the Falls, and descended the Ohio to some point, not far from the mouth of the Wabash; where he landed a part of his men, and, having ordered the residue to proceed with the boats, baggage, etc. to the mouth of the Ohio, and thence to Kaskaskias, proceeded across the country by the most direct route, to the same place. When he arrived in sight of the village, the inhabitants were as much surprised, as if they had seen him descend from the clouds. As the provisions brought in the knapsacks of his men were nearly exhausted, and many days must elapse before the arrival of his boats, he was admonished to act promptly and without delay.

For the purpose of magnifying his force, in the estimation of the town and garrison, as soon as he came in sight, he ordered his men to march in such a circuitous manner, that the formation of the intervening ground led the enemy to see and count them twice or thrice, without discovering the deception.

That expedition was not excelled in difficulty and suffering, or in daring courage, by the memorable march of Arnold, to Quebec, in 1775.

General Clark succeeded in retaining military possession of that extensive country till the close of the war, and by that means secured it to the United States. The fact is well known, that in arranging the articles of the treaty of peace, at Paris, the British commissioners insisted on the Ohio river, as part of the northern boundary of the United States; and that the Count de Vergennes favored that claim. It appears also from the diplomatic correspondence on that subject, that the only tenable ground, on which the American commissioners relied, to sustain their claim to the Lakes, as the boundary, was the fact, that General Clark had conquered the country, and was in the undisputed military possession of it at the time of the negotiation. That fact was affirmed and admitted, and was the chief ground on which the British commissioners reluctantly abandoned their claim.

He then halted, and with a part of his men and a flag, advanced to the fort, and demanded an immediate surrender on the penalty of receiving no quarter, in case of a refusal. The inhabitants at once submitted. The commandant of the post, in the surprise of the moment, followed the example, and surrendered the garrison prisoners of war, without firing a gun. The Colonel then proceeded to Cahokia, about thirty miles north, and with but little difficulty obtained a surrender of the fort and garrison at that place; the inhabitants of both villages being predisposed to submit, and declare allegiance to the United States.

These conquests were achieved before the arrival of the boats, and were immediately made known to Governor Hamilton, at Vincennes, by some friend of the enemy, who stated at the same time the diminutive force by which the object was accomplished. The Governor immediately projected a plan to surprise the Americans, and retake the posts. In the mean time the boats arrived with the residue of the regiment; when Clark, leaving a sufficient number of men to retain the posts he had captured, marched without loss of time to Vincennes. Having waded through mud and water for several days, he approached the low ground on the Wabash river, which was so flooded that his men were frequently up to their arm-pits in water. Yet they were not disheartened, nor did their devotion to their heroic leader in the least degree abate.

It is a fact of importance in estimating the character and claims of General Clark, on the American people, that the Legislature of Virginia did not furnish him with money or other means to accomplish the service they had appointed him to perform. They merely sent him a commission, accompanied with power to recruit men, and make contracts obligatory on the State. But the State having no credit, he was cast on his own energy, and relied on his own personal efforts to raise and equip his troops, and to feed and clothe them during the time of their service, which continued to the end of the war. The task he undertook was a herculean one. There were but very few who could have accomplished it; and nothing but the most ardent attachment to his country, could have prompted him to undertake it, and to persevere as he did.

Patriotism, and a laudable desire of military fame, were the governing influences of his mind. They led him to incur great hazards, and enabled him to accomplish much. During his campaign—and in fact from the day he began to recruit his regiment till he had taken Post Vincennes by storm, and captured the garrison with the British Governor—he had no time to reflect on consequences. His troops were subsisted on a scanty allowance, such as they were able to carry on their backs on a rapid march. But when the campaign was over, and his mind became occupied in devising means for the future subsistence of his troops, and to retain the posts he had taken, he discovered his situation to be apparently hopeless; but despair formed no part of his character—it was a feeling he had never indulged—and he resolved to assume the responsibility of sustaining his regiment, and holding the posts in his possession be the consequences what they might. He held in his hands conclusive evidence that the Legislature of Virginia had authorised him to raise the regiment, and to enter into such contracts as should be necessary to carry the projected plan into operation.

On the credit of that document, he was enabled for some time to raise supplies of provision, clothing, etc. for the sustenance and comfort of his troops, for which he drew on the Commonwealth, in favor of the persons who had furnished the supplies; his drafts being accompanied with such vouchers as are usually furnished on similar occasions. To his astonishment, and the surprise of all who knew the facts, those drafts were dishonored, for such reasons as could not but wound the feelings of the gallant chief who had drawn them. But yet, even this did not shake his purpose, or induce him, for a moment, to hesitate in carrying out his determination to preserve the conquests he had made; most probably without thinking of the inestimable benefits which the nation would derive from them in the future adjustment of her northern boundary.

One might have supposed that the rude imputation conveyed in the deliberate act of dishonoring his drafts, in favor of persons who had advanced for the support of his regiment, almost every thing they were worth, would have disgusted and driven him from the service of his country; but such was not the fact. As his difficulties multiplied, his resolution gained strength, and when his credit failed, and he was cut off from every other resource, he resolved to sustain his troops, and preserve his conquests, by the strong arm of power.

After weighing the consequences both to himself and his country, he resorted to forced loans, and by that hazardous expedient, accomplished the object nearest his heart, which was the preservation of his conquests till the close of the war. But before he proceeded to that extremity, he made an appeal to the judgment and feelings of the citizens of Vincennes, and the settlements on the Mississippi, stating his determination, and the considerations which had induced him to adopt it. He took it for granted, that as they had given in their adhesion, and had declared allegiance to the United States, he had a right to expect from them the as-

sistance he needed. That appeal having failed to produce the desired effect, he issued an order, as commandant of the regiment, directed to some two or three of his officers, commanding them to enter on the premises of the persons designated in the order, sequester the property there found, and remove it to the public store, for the exclusive use of the troops. They were also ordered to cause exact inventories to be made of every article so taken, with its fair value annexed, by impartial citizens of the place, certified copies of which were furnished to the owners of the goods, accompanied by the certificate of the commandant that all the property specified in the inventory, had been taken and appropriated to the sole and exclusive use of the troops under his command, and was to be paid for by the Commonwealth of Virginia.

By that expedient, and that alone, he was enabled to maintain the posts he had conquered on the Mississippi and the Wabash, till the termination of the war; by which he saved to the nation the vast territory lying between the Ohio river and the lakes.

Colonel Vigo was one of the persons who voluntarily surrendered his property for the support of the regiment, and received a draft on Virginia for the amount, which was dishonored. That noble hearted man lived many years afterwards in comparative poverty, and died almost a pauper, holding the same protested draft in his possession; on which there must have been due, at his death, at least twenty thousand dollars. Since his death the government of Virginia has acknowledged the justice of the claim, by a solemn act of the Legislature, and has furnished evidence to prove that it is one of the liabilities, assumed by the General Government, in consideration of the act of cession—but there it rests, no part of the debt having been paid.

The persons whose property was taken by force, commenced suits, and obtained judgments against the General,

in the courts of the Territory, on which portions of his property were attached and sold.

After the close of the war, the Legislature of Virginia made an appropriation of one hundred and fifty thousand acres of land, lying on the Ohio river, opposite to Louisville, for the use of the officers and soldiers of that regiment—which, at that day was of but little value, and was disposed of at nominal prices. The tract was known by the name of "Clark's Grant," and was the only remuneration received by that gallant corps, for their services and sufferings in conquering and securing the entire North-western Territory.

Thus it appears that one of the most distinguished officers of the Revolution, who had performed services of incalculable importance, was not only treated with cold neglect, but was subjected to the payment of debts and claims, incurred for the support of his troops, to a very large amount.

The cruel ingratitude to which this distinguished soldier was doomed—for which no justifiable cause can be assigned—and the comparative poverty, which made him almost a pensioner on the bounty of his relatives, was more than he could bear. It drove him to intemperance. He sought the inebriating bowl, as if it contained the water of Lethe, and could obliterate from his memory the wrongs he had endured.

When called on by the gentlemen mentioned above, who were induced to make their visit by the veneration they entertained for his military talents and services, his health was much impaired; but his majestic person, strong features, and dignified deportment, gave evidence of an intelligent, resolute mind. He had the appearance of a man born to command, and fitted by nature for his destiny. There was a gravity and solemnity in his demeanor, resembling that which so eminently distinguished "the venerated father of his country."

A person familiar with the lives and character of the military veterans of Rome, in the days of her greatest power, might readily have selected *this remarkable man*, as a specimen of the model he had formed of *them*, in his own mind; but he was rapidly falling a victim to his extreme sensibility, and to the ingratitude of his native state, under whose banner he had fought bravely and with great success.

The time will certainly come when the enlightened and magnanimous citizens of Louisville, will remember the debt of gratitude they owe the memory of that distinguished man. He was the leader of the pioneers who made the first lodgment on the site now covered by their rich and splendid city. He was its protector during the years of its infancy, and in the period of its greatest danger. Yet the traveler who has read of his achievements—admired his character—and visited the theatre of his brilliant deeds, discovers nothing indicating the place where his remains are deposited, and where he can go and pay a tribute of respect to the memory of the departed and gallant hero.

CHAPTER IV.

Indian depredations and murders.—Alarm in the Frontier Settlements.—

Letter of Judge Innes to the President.—Other letters of a similar character.

—Strong hold of the Indians on the Ohio, near the Scioto river.—Inattention of the Government complained of.—Expedition of Gen. Scott.—Indian depredations continued.—Communication from Gov. St. Clair to the commandant at Detroit.—Unsuccessful embassy of M. Gameline, to the Indians.—Increase of the military force.—Arrival of troops at Fort Washington.—Inefficient character of the Militia.—Harmar's campaign.—Its success.—And subsequent disasters, denominated a defeat.—Acquitted by Report of Board of Inquiry.—Murder of Hardin and Trueman.—Observations on the Campaign.—List of officers killed.

IN March, 1790, General Harmar informed the Secretary of War, that the Indians continued to murder and plunder the inhabitants, and to intercept almost every boat that attempted to pass up or down the Ohio river. About the beginning of that month, they broke up Kenton's station, a few miles from Limestone, where they killed ten or twelve individuals. During the same month, three boats descending the river in company, saw a boat lying at the Indian shore, a short distance above the Scioto river, containing a large party of Indians. The descending boats were, fortunately, near the Virginia shore when the enemy were discovered. On coming opposite to them, a white man, standing at the edge of the water, called, and begged them to surrender, affirming, as the fact was, that the Indians were fifty or sixty in number, and that if resistance should be made, the whole party would be murdered.

The proposition was rejected, of course, on which the Indians commenced a heavy fire, which was continued for some time, without effect, but which gave the de-

scending boats time to pass them. The savages, failing to bring them to, commenced a pursuit; and the Americans, finding they could not save all their boats, selected the strongest, and abandoned the others, which contained a number of horses, and much valuable property. Holes were cut in the sides of the boat they selected, to enable them to increase the number of rowers. The Indians pursued with great effort, some six or eight miles, when they gave up the chase, and the Americans arrived at Limestone, without further molestation. They lost twenty-eight horses, and merchandise valued at £1500, which were left in the abandoned boats.

Buckner Thruston, then a member of the Virginia legislature, was one of the party, and reported the facts to General Harmar. The party consisted of twenty-eight men, a family of females, and some negro women and children. The Indians numbered about sixty, and it was afterwards ascertained that the boat in their possession had been captured by them a day or two before—that it belonged to John May, who, with four others, were made prisoners—not one of whom escaped, to tell their fate. It is presumable, however, that the person who hailed the boats of Mr. Thruston, was one of the unfortunate captives.

It appears from a note written by Governor St. Clair, that in January 1790, the Indians killed three men within twelve miles of Danville, and three others at Carpenter's Station, and that they broke up the settlement at Russel's creek, about forty miles from that place.

About the same time, a party who had been out on a hunt, about six miles below Limestone, were fired on by the Indians, and one of them killed. It so happened, that Major Doughty was then passing down the river, with a detachment of troops, destined for Cincinnati, who, on hearing the firing, landed, and pursued the enemy some distance, but without success. Judge Innes, writing from Danville, on the thirteenth of March, 1790, reported, that in the

month of January, a boat having ten or twelve persons on board, one of them a woman, was captured about fifteen miles above Limestone, and that the boat was afterwards found, containing nine dead bodies, the woman being missing. During that murderous tragedy, a boy, who had been taken prisoner up Licking, when on a hunting excursion with two men, who were killed, made his escape, and came in with the information.

About the same time, three men were killed on the road from Richland to Sinking creek. Old Mr. Sloan and his son, were killed on the head of Rolling fork, and one man was killed on Holin creek. A station on Russel's creek was attacked, on the twenty-fifth of the same month, when Isaac Farris and his son, and John Painter, with another person, whose name was not mentioned, were killed. On the same occasion, a white woman and a negro woman were wounded, and a number of horses carried off. Soon after, a man by the name of Harper, was killed on Slate creek. In addition to these murders, only two others were reported on the Rolling fork, during that month,—one was of a man, the other of a woman;—but the information received from various quarters, indicated very hostile movements in the approaching spring.

A letter addressed to the Hon. John Brown, dated April 4th, 1790, stated that the Indians had made great havoc on the Ohio; that about fifty of them were encamped near the mouth of the Scioto; and that among other depredations, they had captured a perogue, having six men on board, who were ascending the river from Limestone, whom they put to death. They had also captured the boat of John May, who was on board, with a crew of three or four men, all of whom were put to death. About the same time, two other boats were taken,—one of them belonging to emigrating families,—the other being the property of Thomas Marshall, and others. The fate of the unfortunate captives in those

two boats, was not mentioned, but may be readily conjectured.

On another occasion, the Indians concealed themselves, and sent a white prisoner to the edge of the water to hail a descending boat, and entreat those on board to come to, and take him in, affirming that he had made his escape from the savages, and was in danger of perishing. The stratagem was suspected, and of course did not succeed. At the same time information was received of the taking of a boat on Salt river, and of the murder of the crew, consisting of John Prior and two others, whose names were not given.

In May following, ensign Hartshorne, of the United States' army, descended the river with several boats, and landed in the evening about nine miles above Limestone. At midnight they were attacked with great fury, and one of the boats taken. The night being very dark, and the commandant's boat being hard pressed, he ordered them all to put off, and make the best of their way to Limestone, assuring them that the force of his boat would keep the enemy in check. The order was obeyed, and at three o'clock in the morning they reached Limestone. In the afternoon, a party went up to the place where the attack had been made. The savages had gone, but they found one man, one woman, and three children killed and scalped, whose remains they conveyed to Limestone. The entire loss during the attack, was reported to be thirteen killed and missing.

During the same season, a small party of Indians concealed near a path, leading from Cincinnati to Columbia, discovered a canoe passing up, near the Indian shore, containing two men, a boy and a woman. They attacked the canoe, killed the adults, and took the boy prisoner. He was the only son of Colonel Spencer, of Columbia, who had been a brave, gallant officer in the Revolutionary

army. The lad was taken to a town on the head waters of the Big Miami, and adopted into an Indian family, in which he lived two or three years. President Washington, who entertained a great regard for Colonel Spencer, through the instrumentality of the British minister, and the commandant at Detroit, procured the ransom of the lad, and restored him to his parents.

It was stated in a letter from Judge Innes, that on the 13th of May, 1790, the Indians killed two white men, two girls, and two negroes, in Jefferson county, and at the same time scalped one woman, and made prisoner of another.

The Lieutenant of the same county reported the wounding of a man near Hite's plantation, and spoke of it as the last of many depredations committed in that county. On the 28th of May, certificates were sent to Judge Innes, from several persons, stating, that the Indians had made prisoners of two young men, and a negro woman, on Bra-shear's creek; that they had killed two young men found at work in a field on Tick creek; that they had captured two boys belonging to Loudon's Station, on the head of Dren-non's creek; that a party of Indians, on the 23d of May, had fired on a company of people on Clear creek, as they were returning from meeting, on which occasion they killed one man, and took a young woman prisoner, whom they carried about ten miles, and then tomahawked and scalped her; and that a party was sent out in pursuit, which recovered the mangled bodies and brought them into the settlement.

On the 12th of the same month, John Caldwell, of Nelson county, reported to Judge Innes, that on the preceding Thursday, ten or eleven Indians attacked the house of Miles Hart, on Valley creek; that they murdered him—captured his wife and two children, who constituted the whole of his family, and carried them off, with such of his property as they could conveniently take with them.

Christopher Greenock, on the 24th of May, certified that the Indians had stolen four horses from Mr. Meaux, who

lived very far in the interior. On the 4th of June, it was certified to Judge Innes, that the Indians came to the Rolling fork, and stole sixteen horses; that they were pursued by Captain Wilson, at the head of a small party, who came up with them, but the Captain being killed, the party was overpowered and obliged to retreat.

On the 13th of May, Robert Johnson sent depositions to Judge Innes, stating the murder of Mr. McBride and Mr. McConnell, in April preceding; also, that a son of Mr. Tanner, residing on the Ohio river, near the Big Miami, had been taken prisoner; and that in the fall preceding, two men were killed—one of them a Mr. Brown, whose wife and children were then living in Lexington. It was stated by one of the deponents that he was with the party which brought in the body.

The same depositions recited the particulars of an incursion by another party of Indians in the preceding winter, who, among other depredations, stole a large number of horses. On the 12th of the same month, John Garnet, in a deposition taken before R. Johnston, a magistrate, in Woodford county, stated that he was at Tanner's Station, on the Ohio, about five miles below the mouth of the Big Miami, in the latter part of April, or beginning of May, when five Indians placed themselves in ambush, between the cabin of Mr. Tanner and his field, and captured his son, a lad about nine years old, with whom they crossed the Ohio.

On the same day, the deposition of S. Stephenson was taken, before the same magistrate, stating, that in April, 1790, he was one of the party who went out and brought in the bodies of James McBride and Mr. McConnell, killed on the path from Elkhorn to Licking; that they had both been scalped. One of them was very much cut with a tomahawk, and the other was shot through the hips.

The depositions of Rankin and Hays, taken in Bourbon county, state that on the 12th of May, Lewis Parker was murdered while engaged at his work; that he was found

about an hour after he had been killed, and that he had received many wounds from bullets, tomahawks, and knives, and that he had been scalped.

Benjamin Harrison certifies that Parker was killed at the house of Michael Hogg, near his own residence, and that he followed the trail of the party, who committed the murder, nearly ten miles, in the direction of Big Bone Lick. He also certified that the Indians had recently stolen two horses from Mr. Coleman.

On the 12th day of May, the Lieutenant of Bourbon county informed Judge Innes, that since his last letter, a man had been killed by a party of Indians in his corn-field, on the preceding Thursday; and also, that a boat had been taken above Limestone, containing five or six persons, who were left murdered on the shore; and he expressed it as his opinion, that no greater proof need be required, of the intention of the savages to destroy the American settlements.

The Lieutenant of Mason county reported, on the 16th of May, that on the night of the 11th, a party of Indians made an attack on four boats above Limestone; that three of the number escaped, but that the fourth, containing sixteen souls, was taken; five of whom were killed and mangled in a horrible manner; three made their escape, leaving the remaining eight in the hands of the Indians. In the same report, it was stated, that the trail of a party of Indians, supposed to be about fifteen, was discovered on the 15th of the same month, which crossed the river near the lower settlements of Mason county, in a direction towards the Blue Licks. It was also stated by the Lieutenant, that these and similar depredations had greatly excited the people, and that the surveyors and hunters had all retired from the woods.

On the 14th of the same month, a party of white men was attacked and defeated below Ingles' Station, six of whom were missing and supposed to have been killed. Their horses and other property fell into the enemy's hands.

In addition to these depredations, committed in the fatal month of May, 1790, an attack was made on a party of white men, in Madison county, forty miles beyond the settlements; in which the Indians killed four, and wounded two men, and captured ten or twelve horses, with other valuable property.

On the evening of the 16th of April, in Nelson county, the Indians fell on a party of men, women, and children, returning from a religious meeting on Rough creek; they killed a girl of twelve, and a boy of eight years of age, and wounded an elderly woman severely in the head, back, and arms, and having taken her scalp, left her alive on the ground; they also captured a daughter of J. Barnet, eleven years old, and carried her into captivity. A party soon collected and went in pursuit of the savages, but night coming on, they were not able to overtake them.

These frequent, predatory movements of the savages, following in such rapid succession, produced universal alarm throughout the country; and the settlers began to think they would be compelled to abandon it. They had given up all the conveniencies and comforts of civilized life, to which they had been accustomed; which, in their opinion, was an ample consideration for any and every advantage, anticipated from their change of location. But when, in addition to this, life was in perpetual danger, there could be no motive inducing them to continue in such a state of imminent exposure.

Men of influence and reflection, in every part of the frontier country, saw and felt, that vigorous and immediate measures were necessary, to save the American settlements from being deserted by their inhabitants, or broken up and laid waste by the savages.

The tardy movements of the general government, were criticised with great severity; and men of influence on the frontier, were deliberating on the expediency of taking their protection into their own hands, and conducting expeditions

into the Indian country, on their own responsibility. So strong and general was this feeling, that intelligent men at the different settlements and stations, simultaneously, and without concert, addressed General Harmar, as the commander of the United States' troops; representing, in strong terms, the murder of men, women, and children, daily perpetrated by the Indians, and the impossibility of sustaining the settlements much longer, unless more efficient measures were resorted to by Congress. Among those who wrote to the General on that subject, were, Levi Todd, of Fayette; Robert Patterson, of Lexington; and Judge Innes, of Danville. In these communications, the difficulties and distresses of the people were depicted, and measures suggested to relieve them.

Letters were also written to the Secretary of War, recapitulating the complaints and distresses of the people. In July, 1790, Judge Innes wrote thus to the War Department: "I have been intimately acquainted with this district from 1783, and I can with truth say, that in that period, the Indians have always been the aggressors—that any incursions made into their country, have been produced by reiterated injuries, committed by them—that the predatory mode of warfare they have carried on, renders it difficult, and indeed impossible to discriminate; or to ascertain to what tribe the offenders belong—that since his first visit to the district, in November, 1783, he could venture to say, that more than fifteen hundred persons had been killed and taken prisoners by the Indians—that upwards of twenty thousand horses had been taken and carried off, with other property, consisting of money, merchandise, household goods, wearing apparel, etc., of great value—that the government had been repeatedly informed of those injuries, and that they continued to be perpetrated daily, notwithstanding which, the people had received no satisfactory information, whether the government intended to afford them relief, or not.

He remarked, that the consequences to the district were serious, and might be fatal—that the population on the frontier, was actually decreasing, by the murders and depredations constantly committed by the Indians—that those occurrences not only reduced the number and strength of the settlers, but deterred others from joining them, who had been making arrangements to do so—that as a consequence, their strength was lessened, their wealth diminished, and the value of their lands decreased. He enquired what the result would be; and answered the question by assuring the Department, that volunteer expeditions would be carried into the Indian country, as well for the purpose of revenge, as for protection and self-preservation; and that it would not be in the power of the Government to restrain or regulate them; and, as a consequence, the volunteers engaged, would not discriminate between the hostile Indians, and those with whom the United States had treaties, but would treat all as enemies, who might come in their way; and that the friendly Indians would lose all confidence in the Government—that such a result would not only prevent the accomplishment of the views of Congress, but would undo all that had been previously done.

He then added, "I will, sir, be candid on this subject, not only as an inhabitant of Kentucky, but as a friend to society, who wishes to see order and regularity preserved in the Government under which he lives. The people say they have long groaned under their misfortunes—they see no prospect of relief—they constitute the strength and the wealth of the western country, and yet all measures heretofore attempted, have been committed for execution, to the hands of strangers, who have no interest in common with the West. They are the great sufferers, and yet have no voice in the matters which so vitally affect them. They are accused as being the aggressors, and have no representative to state, or to justify their conduct.

"These are the general sentiments of the western people, who are beginning to want faith in the Government, and appear determined to avenge themselves. For this purpose a meeting was lately held in this place, by a number of respectable characters, to determine on the propriety of carrying on their expeditions this fall. For the purpose of obtaining a more general representation of the inhabitants of the district, the business was postponed, till the meeting which is to be held about the 26th instant; at which time there will be a very general collection of the people of the district; and unless some satisfactory information is received before that time, I fully expect one or more expeditions will be determined on. Impressed with the idea, that the foregoing observations will not be unacceptable to you, as an officer of the Government, through whose department they may be communicated to the President, I shall make no apology for the length of my letter."

In a note dated on the 8th of the same month, the Judge says, that he had that day received a communication from General St. Clair, dated the 5th instant, at the rapids of the Ohio, in which he informs him, that the expectations of peace, so much to be desired, could not be realized with the Indians on the Wabash; and that in consequence, he had come to the Falls sooner than he should otherwise have done, to prepare to operate against them; and that he had requested the field officers of the district to be prepared whenever he should call for the proportions of militia they were severally to furnish, in consequence of orders received from the President.

Letters of a character similar to that of Judge Innes,*

* It will appear from the sequel, that the object of those letters had been anticipated by the President, and that orders had reached General St. Clair to that effect, about the same time they were written, in consequence of which, two expeditions, one under General Scott, and another under Colonel Wilkinson, were ordered, organized, and marched in succession, into the Indian settlements on the Wabash, with very brilliant success.

were addressed to the Department from other quarters, setting forth the depredations daily committed on the lives and property of the people of the West, and of emigrants on their way thither.

The pioneers who descended the Ohio, on their way westward, will remember while they live, the lofty rock standing a short distance above the mouth of the Scioto, on the Virginia shore, which was occupied for years by the savages, as a favorite watch-tower, from which boats, ascending and descending, could be discovered at a great distance. From that memorable spot, hundreds of human beings, men, women and children, while unconscious of immediate danger, have been seen in the distance and marked for destruction. The murders and depredations committed in that vicinity at all periods of the war, were so shocking as to attract universal notice; letters were written to General Harmar, from various quarters, calling his attention to the subject, and praying that measures might be taken, without delay, to check the evil. They informed him that scarcely a boat passed the rock without being attacked, and in most instances captured; and that unless something were done without delay, the navigation of the river would necessarily be abandoned.

Some of those letters complained of the negligence of the government, and their inattention to the interest and safety of the West: some of them stated explicitly, that the distress of the inhabitants of the country was so great, and the want of confidence in the disposition of government to protect them so general, that the people were on the eve of resorting to measures for their safety, both offensive and defensive, regardless of the plans and policy of Congress; but that the more considerate portion of the settlers were unwilling to proceed in any other than a legally authorized way; and that they therefore called upon him for advice and assistance, and requested him to co-operate with them in an immediate expedition from Lime-

stone, against the savages near the mouth of the Scioto. At the same time the general was advised, by letters from Fayette, that a party was forming in the counties north of the Kentucky river, for the same purpose ; that they would rendezvous at Lexington on the next Thursday, and at Limestone on the following Saturday, and expressing a confident belief that they should receive countenance and aid from the officers of the general government.

They reminded him that the leaders of the pioneers, in common with himself, had endured the privations and sacrifices of the Revolutionary struggle, and that they were entitled to protection in the enjoyment of the rights for which they had periled their lives, and exhausted their property. They were not willing to believe that they would be left to their fate, and suffered to perish in the wilderness. On the contrary, they indulged a hope that they would be assisted by Governor St. Clair, and General Harmar, in carrying into successful execution the project in which they were then engaged ;—which was to destroy the Indians at the mouth of the Scioto, and increase the safety of persons emigrating to the West.

A communication of a similar character was received from Colonel Patterson, of Lexington, in which he assured General Harmar that the persons with whom he was acting had no desire to infringe on the rights of the Federal Government, but to act with them, and under their direction. He also assured him, in confirmation of letters previously received, that on Saturday, the 17th instant, five hundred men at least, would be at Limestone, furnished with twelve days provision, ready to co-operate with the troops of the United States, in an effort to harass the Indians, and particularly to rout and destroy those who were stationed on the Ohio river near the mouth of the Scioto.

In consequence of the information contained in those communications, the General resolved to make an immediate effort to accomplish the object so warmly recom-

mended, of routing and destroying the Indians particularly referred to. The plan he adopted was to take a circuitous route, and strike the Scioto pretty high up, and from thence to march to its mouth, hoping to intercept some of their parties on the route. His plan being formed, the command of the enterprise was committed to General Scott, who took up his line of march on the 18th of April, and proceeded about twelve miles. In the course of the day four moccasin tracks were discovered, which induced the General to detach a small party of mounted men, who fell in with the savages, killed them, and brought in their scalps. No official report of this movement seems to have been made to the War Department, from which full information might be obtained. It appears, however, that the chief object of it must have failed; as General Harmar afterwards expressed his regret that it had been unsuccessful, alledging that every exertion in his power had been made, to accomplish the object.

In September, Governor St. Clair advised the War Department, that the depredations on the Ohio and the Wabash continued;—that almost every day brought an account of some murder or robbery; that a number of horses had been taken from the vicinity of Marietta; that shortly before, a boat belonging to Colonel Vigo, of Post Vincennes, a gentleman to whom the United States were under great obligations, was fired upon near the mouth of Blue river, and three of his men killed; and that afterwards, in attempting to ascend the Wabash, his boat was again attacked, captured and plundered; and that about the same time Captain McCurdy, of the regular troops, was fired on while ascending the Ohio river.

Although these depredations were countenanced, and probably instigated by British agents, yet the American government spared no pains to convince the British commandant at Detroit, that the United States, in their military preparations in the West, meditated nothing of a hostile char-

acter against them. Actuated by that spirit, Governor St. Clair, by order of the President, in September, 1790, addressed the commanding officer at that post, stating, that probably an account of the military preparations going on in the West might reach him, and give some uneasiness, unless the object to which they were to be directed was perfectly known; and that to prevent any such difficulty, he was commanded by the President of the United States to give him the fullest assurances of the pacific disposition, entertained towards Great Britain and all her dependencies, and to inform him, explicitly, that the expedition about to be undertaken, was not intended against the post he had the honor of commanding, nor any other place then in the possession of the troops of his Britannic Majesty; but was on foot for the sole design of chastising and humbling some of the savage tribes, whose depredations on the American people, and on humanity itself, had become intolerable. Having made that candid explanation, he proceeded to say, that there was every reason to expect, as well from his own personal character, as from the regard he had for the character of his King and nation, that those tribes would meet with neither countenance nor assistance from him, or from any under his command, and that he would do all within his power to restrain and check the trading people under his influence, by whose instigation, many of the injuries committed by the savages had been perpetrated.

From the same motive, and to give full effect to the pacific policy of the government, Major Hamtramck dispatched a Frenchman by the name of Gameline, from fort Knox, on the 5th of April, with instructions to proceed to the Indian towns, with speeches from Governor St. Clair, inviting them to enter into a treaty of peace with the United States, and especially to confirm the treaty made at Marietta, in 1789. In pursuance of his instructions, M. Gameline visited the principal towns on the waters of the Wabash and Maumee, frequently called the Miami of the Lakes,

where he met the Piankeshaws, Miamies, Shawanees, Kickapoos, Ottawas, and Delawares. They all received him with kindness, but refused to take the wampum sent by the Governor, alledging that they could not give him a final answer, till they heard from their father at Detroit. Some of the chiefs told him "they were receiving speeches from the Americans from all quarters, but no two of them were alike;" and that they supposed the pale men intended to deceive them. They complained of the treaty of Marietta—denied that it was made by their chiefs, alledging it to have been signed by their young men, who had no power to act.

Blue Jacket, chief of the Shawanees, invited him to supper at his cabin, and told him, in the presence of the other chiefs, that after further deliberation they had concluded, that it was better for him (Gameline) to go to Detroit and see the commandant, who would call all his children together to hear the speech.

On the 29th of April, M. Gameline succeeded in getting all the chiefs who were present, assembled in council, when he told them he could not go to Detroit; that the speeches were directed to the nations of the Wabash and the Maumee; and that to prove the sincerity of the speech, and the heart of Governor St. Clair, he had given them a copy, to be shown to the commandant at Detroit. He told them he had nothing to say to the commandant, nor the commandant to him: that if they intended to take him to Detroit, they must determine to do so immediately; otherwise he must go back as soon as possible."

Blue Jacket then rose and said,—“My friend, we are all well pleased with what you say. Our intention is not to force you to go to Detroit. It is only a proposal, thinking it for the best. Our answer is the same as the Miamies. In thirty nights we shall send a full and positive answer to Post Vincennes, by a young man from each nation.”

In the evening, Blue Jacket told him, in a private manner,

that his nation was in doubt of the sincerity of the "big knives," having been already deceived by them. He said "they had first taken their lands, then put out their fire, and sent away their young men to hunt, without a mouthful of meat; and that they had also taken away their women." "Many of us," said he, "cannot forget those injuries, or think of them without great pain." He further said "that some of the tribes were afraid these offers of peace were deceptive—that they might take away all their lands, and serve them at last, as they had done before." He alledged "that the new settlements on the Ohio, proved that the whites intended to encroach on them; and that if they did not keep the north side of the river clear, there could be no proper reconciliation with the Shawanees, or with the Iroquois, Wyandots, and perhaps many other tribes."

LeGris, a Miami Chief, asked M. Gameline what chiefs had made the treaty at Muskingum. He had heard of it some time ago, but was told they were not chiefs, nor delegates, but young men, without authority or instruction from the chiefs—that they went to the treaty clandestinely, and that that would be brought up in their next council. Special conversations were had with other chiefs, but without obtaining any definite answer. Finding that no favorable impression could be made on their minds, M. Gameline returned and reported accordingly.

All hopes of concluding a peace having failed, Congress resolved to increase the military force, and to destroy at once, the Miami villages situate at and near the junction of the rivers St. Mary and St. Joseph, where they received the name of the Maumee river. For that purpose, the Governor of the Territory was authorised to call on Pennsylvania for five hundred, and on Kentucky for one thousand militia, to join General Harmar's regiment, containing, at the time, four hundred effective men. On the 15th of July, 1790, the Governor issued a circular to the county Lieutenants in the District of Kentucky, stating in substance, that it was the

interest and the wish of the United States, to be at peace with the Indian tribes, if they could be so on reasonable terms, and that notice of that disposition had been communicated to them all, inconformity with the direction of the President of the United States, but without any beneficial results. That there was no prospect of peace with the tribes on the Wabash, who continued hostile to the United States, and especially to Virginia. That from information recently received, many parties had already gone out against the American settlements, and that he was instructed by the President to take measures for their security.

He further advised them, that the commanding officer of the troops, and himself, had concerted a plan of offensive operations, and that in conformity with instructions from the Department, a copy of it was then inclosed. He also called on them in the name of the President, for the number of men allotted to their counties respectively, to be officered according to the militia laws of their District, to act in conjunction with the Federal troops, and to rendezvous at the times and places specified in the order. The detachment from Pennsylvania, consisting of five hundred rank and file, were ordered to assemble on the 3rd of September, at McMaken's creek, four miles below Wheeling.

On the 7th of August, the Governor addressed a letter to the senior officer of the Pennsylvania militia, at McMaken's creek, directing him, as soon as the men from the different counties had arrived, to proceed without loss of time to fort Harmar, at the mouth of the Muskingum, and there join the Federal troops under the command of Major Doughty.

He expressed a strong desire, that the whole quota of that state might assemble at the time and place appointed. He directed them not to remain a moment longer than was necessary, and at all events, to be in motion from thence, on or before the 10th of September, as a longer delay might create embarrassment, if not render the expedition alto-

gether abortive. It was enjoined on him not to delay, even till the tenth, if the different detachments of his command sooner arrived; and if they were not all present when he set out for Marietta, to leave directions for those who might afterwards arrive, to follow, with all possible expedition, to Fort Washington, without halting at Muskingum.

It was also enjoined on him, to take the necessary measures for the security of his camp, at the rendezvous, and on the way down the river. He was told that a surprise was ever to be guarded against, and that he should, therefore, never encamp, without establishing proper guards and patrols, nor even venture on shore, for ever so short a time, without the same precaution. It was also impressed on his mind, that as there might be some friendly Indians in the neighborhood of McMaken's creek, who had a right to hunt in that country, it was of great consequence that no injury should be done to any of them.

He was therefore charged to impress on the minds of the men under his command, the necessity of treating those Indians with kindness, should any of them be met with. He was also informed, that the friendly Indians referred to, were the Wyandots and the Delawares, with whom the United States had treaties.

It appears from a report made on the 23d of September, that every thing connected with the army was in a better state of preparation than had been anticipated, owing to the prudent care and attention of General Harmar, and the indefatigable application of Captain Ferguson. The militia, from Kentucky, with the exception of one hundred and fifty men, arrived at Fort Washington, on the day appointed, and those who were tardy came in subsequently, and marched to join the army. Major Wyllys, with the troops from the Falls, came up on the 23d—Major Doughty, with part of the garrison of Fort Harmar, arrived on the 25th—and Lieutenant Frothingham followed him, with the remainder of that garrison. The troops from Pennsylvania

were dilatory—they joined the army, however, soon after it had marched from Fort Washington.

The gratification produced by the punctual arrival of the troops, who composed the army of General Harmar, was very much abated, by ascertaining the wretched condition in which they were. Many of them were substitutes, hired for trifling considerations, by those who had been drafted. Some of them were too old and infirm to bear the fatigues of an active campaign; and the men were generally awkward, and undisciplined. It was the concurrent opinion of the officers of the army, that these detachments of militia were the most inactive and inefficient, that had ever been seen on the western frontiers.

In addition to this, a large portion of their arms was unfit for use. Some of their muskets and rifles were without locks. There was also a state of insubordination among the men; and a disregard of military rule, which augured any thing, rather than success. In these facts might have been read the secret of the severe loss of the army, which alone gave to the expedition the repulsive name of "Harmar's defeat."

The season being far advanced when the militia arrived, and the point of attack lying at a great distance, through a wilderness country, General Harmar was compelled to commence his march, without delaying a day, to instruct or train his undisciplined troops. About the 1st of October, 1790, he marched from Fort Washington, by the route reported by his guides, as being the shortest and the best. He proceeded first to the Indian town on the Little Miami, then called Old Chillicothe, now Old Town, three miles above Xenia; and from thence to Loramie's crossing of the Miami. When he arrived at that place, which, he understood from his guides, was about forty miles from the place of his destination, he received advice that the inhabitants of the villages were unapprised of his approach—that they had not been joined by any of the neighboring

tribes—that they were not in force, and were quarreling among themselves.

This information was derived from a prisoner, taken on the 13th of October, and it determined the General to detach Colonel Hardin with six hundred men, including fifty of the regular troops, commanded by Major Zeigler, with orders to make a forced march on the villages. In obedience to that order, the detachment was organized and in motion, early the next day. The army with the baggage, etc., followed as fast as circumstances would permit.

When the advance under Hardin reached the villages, they found them deserted. As soon as the General arrived with the residue of the army, he ordered the towns to be burnt—the fruit trees, of which there was a large number, to be girdled, and every description of property, including at least twenty thousand bushels of corn, to be destroyed. That order having been literally obeyed, the great object of the enterprise was accomplished; which was to cripple the enemy by destroying the ample means they had provided, during the summer, to sustain themselves in the field, and carry on an active campaign during the ensuing winter, without interruption.

Not content with the complete accomplishment of the great purpose of the campaign, the General was ambitious of gaining further laurels; and, forgetful of the inefficiency of the greater portion of his men, he sent out three detachments in succession, in pursuit of the enemy; which might have been prudent, if his troops had been veterans, or even moderately disciplined. The first of these movements consisted of three hundred men, commanded by Colonel Trotter, who returned on the same day, having killed two Indians. Some intimations having been made, that this adventure indicated more of prudence than belonged to its true character, Colonel Hardin was sent out immediately, with the same detachment, who was attacked by the Indians, and defeated with great loss, in consequence of

the cowardly conduct of the militia, who took to their heels on the first fire.

These movements took place while the army remained on the site of the burnt villages. After they had progressed one day on their homeward march, Major Wyllys was sent back with four hundred chosen men, under an expectation, that many of the Indians would have returned to examine the ruins of their villages, who might be taken by surprise and cut to pieces. On this occasion also, the militia fled in disorder, and Major Wyllys, a very brave, experienced officer, with most of the regular troops under his command, were killed.

The army then proceeded by slow and easy marches to Fort Washington. The Indians pursued them, but such was the vigilance of the General, that they were unable to annoy, or injure the troops, during the march. As soon as they arrived at Fort Washington, the militia were disbanded, and dismissed, and the General repaired to the seat of government, where he resigned the command, and obtained a Court of Inquiry.

In justice to the character of General Harmar, reference should be had to the official report of the Court of Inquiry. It will be found in that document, that the officers, and others who were examined, unitedly declared, that the militia were very badly equipped—that they were destitute of camp-kettles and axes—that their arms, generally, were very bad, out of repair, and almost useless; and that muskets had been brought, without locks, under an expectation that they could be repaired in camp.

It will also be found, that many of the men were unfit for service, and scarcely able to bear arms, being old and infirm; that they were not of that class of active woodsmen, usually found in the frontier counties; that a great number of them were substitutes, unused to fire-arms; that some, particularly from Pennsylvania, were so awkward, that they could not take off a gun-lock, oil it, and put it on

again, or put in a flint so as to answer its purpose, without assistance; that the pack-horse men were ignorant of their duty, inactive, and insolent; that there was a spirit of insubordination among the militia, which rendered it impossible to inflict punishment, without danger of a revolt.

It will also be found, that the officers concurred in declaring, that the organization of the army was judicious, and that the heavy loss sustained on the expedition, should be ascribed to the ignorance, imbecility, insubordination, and want of equipment of the militia, and not to any defect of capacity, or bravery, in the General commanding, or in the officers who served under him.

Although the termination of the expedition of 1790 has been spoken of as a defeat, it is believed, that when the facts are correctly and impartially considered, it will be found worthy of a more honorable name. The movement was got up in haste. The troops, with the exception of three hundred and twenty, rank and file, were undisciplined, insubordinate, and badly equipped militia. They were called together for the purpose of punishing the Indians of the Miami villages; and it was distinctly understood, that when they had done so, the purpose of the movement would be accomplished. It was not expected that the troops were to hold possession of the villages, but having destroyed them, and the property they contained, they were to return to Fort Washington, and be disbanded.

If that object was fully and literally accomplished, as the fact most certainly was, it cannot be said, in truth, that the campaign was a failure, or the result of it a defeat. It was stated in official reports to the War Department, that the towns were taken, and thoroughly destroyed, without the loss of a single American soldier. Those places of rendezvous, where British traders resorted, to poison the minds of the Indians, and excite them to hostility against the Americans, were broken up. The returns also show, that

three hundred houses and wigwams were burnt, twenty thousand bushels of corn, in the ear, collected and destroyed; and that not a vestige of destructible improvement or useful property was spared.

These being the facts, the Commander-in-chief announced in general orders, that the army had completely accomplished the object for which it was ordered, to wit: a total destruction of the Miami towns, together with the vast amount of property found in them, and in the vicinity; and that they were about to commence their march, and return to Fort Washington. At that time, the great object of the campaign was literally accomplished, and nothing was heard but the notes of commendation. An important victory had been achieved, and if the army had then returned, they and their commander would have been hailed as victors and crowned with glory.

But subsequent efforts to inflict further injury on the enemy, proved disastrous, by the bad conduct of the militia, of which neither the cause, nor the consequences ought to be charged to the account of the General, whose movements, it was admitted, were judiciously planned; and, as far as the officers and the federal troops were concerned, prudently and bravely conducted.

From the returns of Lieutenant Denny, the adjutant of the army, the loss of the enemy was set down at from a hundred, to a hundred and twenty, and the loss of the American troops at one hundred and eighty. The most that can be said, justly, is, that the complete accomplishment of the important objects of the expedition, was attended with a greater loss than might have been expected.

Among the killed were Major Wyllys and Lieutenant Frothingham, of the federal troops; and Major Fontain, Captains Thorp, Scott, and McMurtree; Lieutenants Clark and Rogers; Ensigns Sweet, Bridges, and Thielkeld, of the militia.

This expedition was followed by vigorous efforts on the part of the savages, to harass and break up the American settlements; in which they must have succeeded, but for the total destruction of their property and provisions, just at the approach of winter.

CHAPTER V.

The early adventurers to the Miami Purchase.—Stations erected.—Attacked by the Indians.—Communications of President Washington to Congress.—Statement showing the weakness of the Ohio Company's settlement.—Gen. Scott's expedition against the Wabash Indians.—Its celerity and success.—Col. Wilkinson's expedition against the same tribes.—Conducted with skill and success.—Organization of Gen. St. Clair's army.—Encamped at Ludlow's Station.—Its number.—The campaign.—The cause of the defeat.—Court of Inquiry.—The General acquitted of all censure.

A LARGE number of the original adventurers to the Miami Purchase, had exhausted their means by paying for their land, and removing their families to the country. Others were wholly destitute of property, and came out as volunteers, under the expectation of obtaining, gratuitously, such small tracts of land, as might be forfeited by the purchasers, under Judge Symmes, for not making the improvements required by the conditions stipulated in the terms of sale and settlement of Miami lands, published by the Judge, in 1787; which will be more fully explained in a subsequent chapter. The class of adventurers first named, was comparatively numerous, and had come out under an expectation of taking immediate possession of their lands, and of commencing the cultivation of them for subsistence. Their situation, therefore, was distressing. To go out into the wilderness to till the soil, appeared to be certain death; to remain in the settlements threatened them with starvation. The best provided of the Pioneers found it difficult to obtain subsistence; and, of course, the class now spoken of, were not far from total destitution. They depended on game, fish, and such products of the earth as could be raised

on small patches of ground in the immediate vicinity of the settlements.

Occasionally small lots of provision were brought down the river by emigrants, and sometimes were transported on pack-horses, from Lexington, at a heavy expense, and not without danger. But supplies, thus procured, were beyond the reach of those destitute persons now referred to.

Having endured these privations as long as they could be borne, the more resolute of them determined to brave the consequences of moving on to their lands. To accomplish the object, with the least exposure, those whose lands were in the same neighborhood, united as one family; and on that principle, a number of associations were formed, amounting to a dozen or more, who went out resolved to maintain their positions.

Each party erected a strong block-house, near to which their cabins were put up, and the whole was enclosed by strong log pickets. This being done, they commenced clearing their lands, and preparing for planting their crops. During the day, while they were at work, one person was placed as a sentinel, to warn them of approaching danger. At sun-set they retired to the block-house and their cabins, taking every thing of value within the pickets. In this manner they proceeded from day to day, and week to week, till their improvements were sufficiently extensive to support their families. During this time, they depended for subsistence on wild game, obtained at some hazard, more than on the scanty supplies they were able to procure from the settlements on the river.

In a short time these stations gave protection and food to a large number of destitute families. After they were established, the Indians became less annoying to the settlements on the Ohio, as part of their time was employed in watching the stations. The former, however, did not escape, but endured their share of the fruits of savage hostility. In fact, no place or situation was exempt from dan-

ger. The safety of the Pioneer depended on his means of defence, and on perpetual vigilance.

The Indians viewed those Stations with great jealousy, as they had the appearance of permanent military establishments, intended to retain possession of their country. In that view they were correct; and it was fortunate for the settlers, that the Indians wanted either the skill or the means of demolishing them. The truth is, they had no idea of the flood of emigration which was setting towards their borders, and did not feel the necessity of submitting to the loss to which immediate action would subject them. They certainly were not deficient in bravery. No man can think so, who has a knowledge of the countless instances of their heroic self-devotion. Caution, which is sometimes called cowardice, they certainly possessed to a great extent, as it was a part of their education. It led them to avoid danger, when the object in view was not sufficiently important to overbalance the loss, which success, or victory, would cost; but when they saw and felt the importance of accomplishing an object, and resolved to undertake it, they appeared not to know what fear was; danger did not deter but rather urged them to personal exposure.

They could not have been insensible of the consequences of suffering those stations to be maintained, which were so many military occupations, in advance of an unseen enemy; yet they did not perceive the necessity of immediate action, and therefore deferred, what they thought could be performed as well at some future time.

The truth of the matter is, their great error consisted in permitting those works to be constructed at all. They might have prevented it with great ease, but they appeared not to be aware of the serious consequences which were to result, until it was too late to act with effect. Several attacks were, however, made at different times, with an apparent determination to destroy them; but they failed in every instance. The assault made on the station erected by Cap-

tain Jacob White, a Pioneer of much energy and enterprise, at the third crossing of Mill creek from Cincinnati, on the old Hamilton road, was resolute and daring; but it was gallantly met, and successfully repelled. During the attack, which was in the night, Captain White shot and killed a warrior, who fell so near the block-house, that his companions could not remove his body. The next morning it was brought in, and judging from his stature, as reported by the inmates, he might have claimed descent from a race of giants. On examining the ground in the vicinity of the block-house, the appearances of blood indicated, that the assailants had suffered severely.

In the winter of 1790-1, an attack was made, with a strong party, amounting, probably to four or five hundred, on Dunlap's station, at Colerain. The block-house at that place was occupied by a small number of United States' troops, commanded by Col. Kingsbury, then a subaltern in the army. The fort was furnished with a piece of artillery, which was an object of terror to the Indians, yet that did not deter them from an attempt to effect their purpose. The attack was violent, and for some time the station was in imminent danger.

The savages were led by the notorious Simon Girty, and outnumbered the garrison, at least, ten to one. The works were entirely of wood, and the only obstacle between the assailants and the assailed, was a picket of logs, that might have been demolished, with a loss not exceeding, probably, twenty or thirty lives. The garrison displayed unusual gallantry—they frequently exposed their persons above the pickets, to insult and provoke the assailants; and judging from the facts reported, they conducted with as much folly as bravery.

Col. John Wallace, of Cincinnati, one of the earliest and bravest of the Pioneers, and as amiable as he was brave, was in the fort when the attack was made. Although the works were completely surrounded by the enemy, the Colo-

nel volunteered his services to go to Cincinnati for a reinforcement. The fort stood on the east bank of the Big Miami. Late in the night, he was conveyed across the river, in a canoe, and landed on the opposite shore. Having passed down some miles below the fort, he swam the river, and directed his course for Cincinnati. On his way down, the next day, he met a body of men, from that place, and from Columbia, proceeding to Colerain. They had been informed of the attack, by persons hunting in the neighborhood, who were sufficiently near the fort to hear the firing when it began.

He joined the party, and led them to the station by the same route he had traveled from it; but before they arrived, the Indians had taken their departure. It was afterwards ascertained, that Mr. Abner Hunt, a respectable citizen of New Jersey, who was on a surveying tour, in the neighborhood of Colerain, at the time of the attack, was killed before he could reach the fort. His body was afterwards found, shockingly mangled.

During the same season, a large party of Indians invested Fort Jefferson, which had been built by the United States' troops, about six miles south of Greenville, now the county seat of Darke, and celebrated as the place where General Wayne negotiated his treaty of peace and boundaries, with the Indian tribes, in 1795. Before the enemy were discovered by the garrison, a party had crept up and secreted themselves in the under-brush, and behind logs near the Fort. Having gained that position, they attempted to draw out some of the garrison in pursuit of game, by imitating the noise of turkeys, with perfect exactness. Major Shaylor, the commandant, was passionately fond of hunting, and, not dreaming of a decoy, hastened out in pursuit of the game, accompanied by his son.

As they approached the place from which the sound came, the savages rose and fired. The son, a lad of fine promise, fell; the Major fled to the garrison, pursued closely

by the Indians, who felt confident, they would either take him, or gain possession of the sally gate, when opened for his reception. They were, however, disappointed. He entered, and the gate was closed a few moments before they reached it. In escaping to the Fort, he was wounded by an arrow, in the back. Had this been the only penalty of his temerity, he might have been thankful; but the loss of a son of great promise, sacrificed by his own folly, rested on his memory, if not on his conscience.

It would be a tedious undertaking, were it practicable, to detail or enumerate the hostile movements of the Indians, and their numberless depredations. During the whole progress of the war, small parties were constantly lurking in the neighborhood of the white settlements and stations, watching for opportunities to plunder and murder. They came frequently into the villages by night, and carried off horses and other property, undiscovered. These depredations were so frequent, that the inhabitants were constantly on the alert; and found it necessary to keep up a guard, when engaged in clearing and cultivating their grounds. It was not safe to venture into the woods unarmed, and even at Cincinnati, in sight of Fort Washington, it was found prudent to attend church on the Sabbath, armed and prepared to repel an attack.

In January, 1791, President Washington laid before Congress, a statement of the condition of the Western country, accompanied with his views of the measures proper to be taken for its defence. He maintained, that it was an important branch of the duty of the General Government, to afford to the frontier settlers all reasonable protection, in the enjoyment of their just rights, both of person and property. He urged it also, as a matter of importance, to convince whomsoever it might concern, that notwithstanding the distance of the field of action, government possessed power to preserve peace and good order on the frontiers. He maintained that it was true economy to regulate events,

instead of being regulated by them; and to provide means necessary to do so.

After submitting to their consideration a plan for increasing the regular establishment, should that course be thought expedient, he expressed a very decided opinion, that another expedition against the Wabash Indians was indispensable; that affairs could not remain as they then were—that although winter imposed peace for the present; yet, unless the attention of the Indians should be called to their own country, they would, on the opening of the spring, spread general desolation over the frontiers—that the Indians on the Wabash amounted to about eleven hundred warriors: to which number there should be added one thousand, belonging to other tribes more distant; and on that estimate, that the army for the next campaign ought to consist of three thousand well armed troops; to make it superior to all opposition, and prevent the repetition of the same trouble and expense.

A few days after this message had been sent to Congress, by the President, he communicated to them further intelligence, received from General Putnam, of Marietta, and Major Zeigler, of Fort Washington, of recent depredations committed in the north-west. He also laid before them a statistical statement, prepared with great care, containing information which it was important for the government to know, at that juncture. From that tabular statement it appeared, that the garrison at Fort Harmar then consisted of little more than twenty soldiers—that the entire number of men in the Muskingum settlements, capable of bearing arms, including civil and military officers, did not exceed two hundred and eighty-seven, many of whom were badly armed—that the inhabitants were in the most imminent danger of being destroyed, should the enemy push the war with vigor, during the winter. It also appeared, that at Marietta there were about eighty houses within the distance of one mile; and a few scattered cabins

about three miles up the river. On Duck creek, four miles from the village, there was a set of mills; and there was another set on the Muskingum, two miles distant. Twenty-two miles up that river; there was a settlement, consisting of twenty families. On Wolf creek, distant two miles, there were five families, and a set of mills. On the Ohio, opposite the Little Kenawha, the settlement of Belpre commenced, and extended down the river, with little interruption, twelve miles, and contained between thirty and forty houses.

That concise statement exhibited the entire population and strength of the Ohio Company's purchase, as it then was. It was also stated, that a few weeks before that document was prepared, the Indians had attacked and broken up a new settlement at the Big Bottom, forty miles up the Muskingum, consisting of sixteen men, one woman, and two children; all of whom were killed, except four of the men, who made their escape.

The impression produced on the minds of Congress by these and similar communications, induced them promptly to authorise the President to raise an army of three thousand men, being the number proposed, and to place it under the command of Governor St. Clair, who was then appointed a Major General. At the same time, with a view of producing immediate relief, they authorised the President to raise a corps of Kentucky volunteers, for the purpose of destroying the towns on the Wabash, by a rapid march, and an unexpected attack.

In executing that trust, the President appointed General Charles Scott to command the expedition; and to prevent the delay which might be produced by distance, and by the difficulty of communicating with the Department, through an unsettled wilderness, he appointed a board of advisers, consisting of Harry Innes, John Brown, Benjamin Logan, and Isaac Shelby, on the advice of any three of whom

General Scott was authorised to act, without waiting for special directions from the Secretary of War.

The troops for the expedition were to be chosen men, voluntarily engaged for the purpose, whose bravery and skill could be entirely relied on; and the detachment was to consist of such a number, not exceeding seven hundred and fifty, as the General and the majority of his advisers might determine. The officers were to be selected by the General, and approved by a majority of the persons before named. The troops were to be mounted, armed and equipped, in all respects, according to the advice of the committee, and were placed under the sole command of General Scott, holding the rank of a Brigadier. In accordance with this authority and these instructions, the detachment was raised, mounted, and equipped, and on the 19th of May were mustered, at the mouth of the Kentucky river.

On the 23d of the same month, they marched from the bank of the Ohio, and pressed forward with the utmost industry, directing their course to the Ouïatanon village. On the 31st, they had marched one hundred and thirty-five miles, over a country intersected and made rough, by four branches of White river, and by other smaller streams, many of them having steep muddy banks. During the march, rain fell in torrents, which impeded their progress, wore down their horses, and injured their provisions. On the morning of the 1st of June, an Indian on horseback was discovered at some distance on the right. Measures were immediately taken to capture him, but without success. The General, thus finding that he had been discovered by the enemy, determined to advance rapidly, under a hope of reaching the main point of attack that day; though unfortunately his guides were strangers to the region of country he was then in.

At one o'clock, having marched one hundred and fifty miles from the Ohio, two small villages were discovered on

the left, at two and four miles distance. The guides then recognized the ground, and informed the General that the main town was four or five miles in front. He immediately sent a detachment of sixty mounted infantry, under Colonel Hardin, and a troop of light-horse under Captain McCoy, to attack the villages on the left, while he advanced briskly, with the main body, in order of battle, to the chief town in front.

Before the troops had reached it, the enemy were seen in great confusion, endeavoring to make their escape over the river. Five canoes, crowded full of them were destroyed, and all who were in them perished; though a heavy fire was kept up on the assailants, from a Kickapoo village, on the opposite bank. The river at that point being too high to be forded, Colonel Wilkinson was dispatched to a ford, two miles above, which he found also to be impassable. The enemy being still in possession of the Kickapoo town, two companies, commanded by Captains King and Logsdon, were dispatched, with orders to cross the river below, and take it. That order was promptly obeyed, although some of the men were compelled to swim the river, while others were crossing it in small canoes. This movement was so entirely unobserved, and unexpected by the enemy, that the Kentuckians had posted themselves on the bank, before they were discovered by the Indians. The moment that discovery was made, the enemy abandoned the place.

In the mean time, Colonel Hardin had successfully executed the order to take the villages on the left, and was encumbered with prisoners. While thus embarrassed, he discovered a stronger village still further to the left, which he attacked and carried, and then joined the main body, before sunset, having killed six warriors and taken fifty-two prisoners.

The next day, Colonel Wilkinson marched with three hundred and sixty men, to attack the important village, Keth-ti-pe-can-wak, which he took and destroyed, with the

loss of only three men wounded. Many of the inhabitants of this village were French, who were enjoying the comforts of civilized life; and from letters and other papers found in their possession, it was evident they were in correspondence, and close connection with the leading men of Detroit. The village consisted of seventy houses; many of which were well built and furnished. These were all burnt, with a large quantity of corn, peltry, furniture, and various other articles of property of much value.

On the 4th the General liberated sixteen of the weakest and most infirm of his prisoners, and sent them with a talk to the Wabash tribes. The motives to this measure were to rid the army of a heavy incumbrance—to gratify the feelings of humanity, and at the same time, by distracting the councils of the enemy, to favor the views of government. On the same day, after having burnt the towns and villages, cut up the growing corn, and destroyed every species of property within their reach, they began their march towards the rapids of the Ohio, and on the 14th reached that place, having accomplished the great and only object of the expedition, without the loss of a single man killed, and only four wounded—having themselves killed thirty-two warriors, taken fifty-seven prisoners, and destroyed much valuable property. To the honor of the volunteers, it was certified, by the General, that not a single act of inhumanity had marked their conduct, during the campaign.

After the return of this gallant little army, the General delivered to the commandant, at Fort Steuben, forty-one prisoners, for which he took a receipt; and which, with the sixteen liberated, swelled the number of his captives to fifty-seven.

The brilliant success of this rapid expedition, commenced and terminated in less than thirty days, induced General St. Clair, under the discretionary power he had received from the President, to organize another, against the same

towns, without loss of time. With that view, he commissioned Colonel James Wilkinson, who had just signalized himself under General Scott, to raise a corps of mounted Kentucky volunteers, to consist of not less than five, nor more than six hundred, rank-and-file, and to lead them, under his own command, against the Wabash Indians, to complete the work, which the troops under General Scott, had so successfully begun. The commission was accepted about the last of June; and before the close of the succeeding month of July, the Colonel reported himself to Governor St. Clair, at Fort Washington, with a detachment of five hundred and fifty volunteers, well mounted, equipped, and organized, ready to receive and execute his orders.

On the recommendation of Colonel Wilkinson, Messrs. Caldwell and McDowell were appointed Majors, and such other officers were selected and commissioned, as the service required. On the 1st of August, the detachment left Fort Washington, and took up its march for the Wabash towns. For the purpose of misleading the enemy, the course of the army was at first directed to the Miami villages, on the St. Joseph's; and that direction was continued till the fourth day, when, having advanced seventy miles from Fort Washington, the course was changed to the north-west. By that plan, the object in view was concealed, in part, by avoiding the common hunting grounds of the enemy, and also the paths they were wont to travel.

The country, over which the detachment marched, abounded in ponds and swamps, by which their progress was greatly checked; and in consequence of which, it was found necessary, frequently, to change their course. This not only caused delay and loss of time, but increased the chances of being discovered by the enemy, before reaching the point of destination. Soon after crossing a branch of the Calumet river, the advanced guard discovered and fired on a small party of Indians, one of whom they succeeded in taking prisoner. He proved to be a Delaware, residing

near the site of one of the villages destroyed by General Harmar, the preceding fall; which, as he informed the Colonel, was about thirty miles distant. On receiving that information, the course of the detachment was directed more to the west. On the 6th of the month, they crossed a road very much used, where twenty men were left by the Colonel, in ambush, to watch and intercept any party of the enemy that might casually pass; and prevent as long as possible, the discovery of his real object. That party soon discovered four warriors encamped on the right, one of whom they killed. On the 7th, the army struck the Wabash, near the mouth of Eel river; being the very spot for which the Colonel had aimed, from the commencement of his march. The troops then crossed the river in view of the town, when a general charge was ordered, and obeyed with such alacrity, that the men forced their way over every obstacle. The enemy were unable to resist—six warriors were killed, and unfortunately two squaws, and a child, shared the same fate. Thirty-four prisoners were taken, and an American, held in captivity, was released. The American loss was two men killed, and one wounded.

This town extended along the river three miles. The gallant little army encamped in it that night, and the next morning cut up the corn, scarcely in the milk, and burnt the buildings. Having left two squaws and a child, with a short talk for the Indians, the army took up its march for the "Kickapoo town in the prairie." Not being able to discover any path, in the direct course to that town, they marched by the road leading to Tippecanoe. After much labor, difficulty and fatigue, which exhausted the men and wore down their horses, they reached that village, which in the morning had been occupied by the enemy, but was abandoned as the army approached.

After the destruction of this town, by General Scott, in June, the Indians returned and replanted their corn and

pulse, as they had done in other places, which had grown rapidly, and were in a flourishing state. For the purpose of refreshing the horses, and giving time to cut down the corn, the Colonel determined to halt till morning, and then renew his march for the "Kickapoo town, in the prairie." In the course of the day he had discovered some uneasiness and murmuring among the men, which, on enquiry, he found proceeded from a reluctance to advance further into the enemy's country.

This led to the examination of the supplies, etc. of the detachment, when it appeared, that two hundred and seventy horses were lame, and that there remained but five day's provision for the men. Under these circumstances, the Colonel was compelled, reluctantly, to abandon his design against the Kickapoos, in the prairie. He marched, however, against a town of the same nation situated about three leagues west. As he advanced to that town, the enemy made some show of fighting, but fled at his approach. The town, consisting of thirty houses, was destroyed, with a considerable quantity of corn in the milk; and the same day the troops moved to Oniatanon, where they forded the Wabash, and proceeded to the site of the village which had been destroyed by General Scott, on the margin of the prairie, where they encamped. The corn, which had been re-planted at that town, and was in a high state of cultivation, was again destroyed. On the 12th, the march was resumed, and continued till the 21st, when the troops arrived at the Falls of the Ohio, having marched, by accurate computation, four hundred and fifty-one miles from Fort Washington.

Great praise was awarded to the whole detachment, for their perseverance and bravery, and special notice was taken of Majors McDowell and Caldwell, and of Colonel Russell, who led the advance, in the character of a volunteer, without a commission. The thanks of the commander were also given to Major Adair, and Captain Parker, who

acted immediately about his person, and rendered the most prompt and energetic services.

While these military movements under Scott, and under Wilkinson, were going on against the Wabash Indians, the War Department was engaged in raising the army of three thousand men, ordered by Congress, of which Governor St. Clair had been appointed commander, with the rank of Major General.

On the 28th the General left Philadelphia, for Fort Pitt, where he arrived on the sixteenth of April, and from thence proceeded by the way of Lexington, to Fort Washington, which he reached on the 15th of May. The garrison at that place, as appears from an official report, consisted of seventy-five non-commissioned officers and privates, fit for duty. The garrison at Fort Harmar, consisted of forty-five; the garrison at Fort Steuben, of sixty-one, and the garrison at Fort Knox, of eighty-three men. The first regiment of United States' troops, of which these garrisons were component parts, amounting in the whole to two hundred and ninety nine, rank and file, were collected at Cincinnati, on the 15th of July.

General Butler, who was the second in command, was charged with the arrangements necessary for the recruiting service, and having established a rendezvous at Baltimore, proceeded to Pittsburgh.

The troops at Fort Washington, on the last of August, amounted to about two thousand non-commissioned officers and privates. By order of the Commander-in-chief, they marched from thence to Ludlow's station, five miles in advance of the Fort, where they encamped till the 17th of September, waiting for reinforcements and supplies. On that day they numbered two thousand three hundred rank and file; and on the same day marched from the station to the Big Miami river, where they halted and built Fort Hamilton, which gave name to the county seat of Butler.

From that post, the army marched, under the command

of General Butler, on the morning of the 4th of October. They were compelled to move slowly, and halt frequently, for the provisions and other supplies of the army.

On the 24th they halted for several days, and erected a fort, which was called Fort Jefferson. During this time, a body of the militia, amounting to three hundred, deserted, and returned to their homes. The supplies for the army being still in the rear, and the General entertaining fears that the deserters might meet and seize them for their own use, determined, very reluctantly, to send back the first regiment, for the double purpose of bringing up the provisions and, if possible, of overtaking and arresting the deserters.

Having made that arrangement, the army resumed its march, and on the 3rd of November, arrived at a creek running to the south west, which was supposed to be the St. Mary's, one of the principal branches of the Maumee, but was afterwards ascertained to be a branch of the Wabash. It being then late in the afternoon, and the army much fatigued by a laborious march, they were encamped on a commanding piece of ground, having the creek in front.

It was the intention of the General to occupy that position till the first regiment, with the provisions, should come up. He proposed on the next day, to commence a work of defence, agreeably to a plan concerted between himself and Major Ferguson, but he was not permitted to do either; for on the next morning, November 4th, half an hour before sunrise, the men having been just dismissed from parade, an attack was made on the militia posted in front, who gave way and rushed back into the camp, throwing the army into a state of disorder, from which it could not be recovered, as the Indians followed close at their heels. They were, however, checked a short time by the fire of the first line, but immediately a very heavy fire was commenced on that line, and in a few minutes it was extended to the second.

In each case, the great weight of the fire was directed to the centre, where the artillery was placed; from which the

men were frequently driven with great slaughter. In that emergency resort was had to the bayonet. Colonel Darke was ordered to make the charge with a part of the second line, which order was executed with great spirit. The Indians instantly gave way, and were driven back several hundred yards, but for want of a sufficient number of riflemen to preserve the advantage gained, the enemy soon renewed their attack, and the American troops, in turn, were forced to give way.

At that instant, the Indians entered the American camp on the left, having forced back the troops stationed at that point. Another charge was then ordered and made by the battalions of Majors Butler and Clark, with great success. Several other charges were afterwards made, and always with equal effect. These attacks, however, were attended with a very heavy loss of men, and particularly of officers. In the charge made by the second regiment, Major Butler was dangerously wounded; and every officer of that regiment fell, except three, one of whom was shot through the body. The artillery being silenced, and all the officers belonging to it killed, but Captain Ford, who was dangerously wounded, and half the army having fallen, it became necessary to gain the road, if possible, and make a retreat.

For that purpose, a successful charge was made on the enemy, as if to turn their right flank, but in reality, to gain the road, which was effected. The militia then commenced a retreat, followed by the United States' troops, Major Clark, with his battalion, covering the rear. The retreat, as might be expected, soon became a flight. The camp was abandoned, and so was the artillery, for the want of horses to remove it. The men threw away their arms and accoutrements, even after the pursuit had ceased, which was not continued more than four miles. The road was almost covered with those articles, for a great distance.

All the horses of the general were killed, and he was mounted on a broken down pack-horse, that could scarcely

be forced out of a walk. It was therefore impossible for him to get forward in person, to command a halt, till regularity could be restored, and the orders which he dispatched by others, for that purpose, were wholly unattended to. The rout continued to Fort Jefferson, where they arrived about dark, twenty-seven miles from the battle-ground. The retreat began at half past nine in the morning, and as the battle commenced half an hour before sunrise, it must have lasted three hours, during which time, with only one exception, the troops behaved with great bravery. This fact accounts for the immense slaughter which took place.

Among the killed, were Major General Butler, Colonel Oldham, Major Ferguson, Major Hart, and Major Clark. Among the wounded, were Colonel Sargeant, the Adjutant General, Colonel Darke, Colonel Gibson, Major Butler, and Viscount Malartie, who served in the character of an aid. In addition to these, the list of officers killed contains the names of Captains Bradford, Phelon, Kirkwood, Price, Van Swearingen, Tipton, Purdy, Smith, Piatt, Gaither, Crebbs, and Newman; Lieutenants Spear, Warren, Boyd, McMath, Burgess, Kelso, Read, Little, Hopper, and Lickins; also, Ensigns Cobb, Balch, Chase, Turner, Wilson, Brooks, Beatty, and Purdy; also, Quartermasters Reynolds and Ward, Adjutant Anderson and Doctor Grasson. And in addition to the wounded officers whose names are mentioned above, the official list contains the names of Captains Doyle, Trueman, Ford, Buchanan, Darke, and Hough; also of Lieutenants Greateon, Davidson, De Butts, Price, Morgan, McCrea, Lysle, and Thompson; also, Adjutants Whistler, and Crawford, and Ensign Bines.

The melancholy result of that disastrous day was felt and lamented by all, who had sympathy for private distress, or public misfortune.

The only charge alledged by the General against his army, was want of discipline, which they could not have acquired, during the short time they had been in the service. That

defect rendered it impossible, when they were thrown into confusion, to restore them again to order, and is the chief reason why the loss fell so heavily on the officers. They were compelled to expose themselves in an unusual degree in their efforts to rally the men, and remedy the want of discipline. In that duty, the General set the example, though worn down by sickness, and suffering under a painful disease. It was alledged by the officers, that the Indians far outnumbered the American troops. That conclusion was drawn, in part, from the fact, that they outflanked and attacked the American lines with great force, at the same time, on every side.

When the fugitives arrived at Fort Jefferson, they found the first regiment, which was just returning from the service on which it had been sent, without either overtaking the deserters, or meeting the convoy of provisions. The absence of that regiment, at the time of the battle, was believed by some, to be the cause of the defeat. They supposed, that had it been present, the Indians would have been defeated, or would not have ventured an attack at the time they made it; but General St. Clair expressed great doubt on that subject. He seemed to think it uncertain, judging from the superior number of the enemy, whether he ought to consider the absence of that corps from the field of action, as fortunate or otherwise. On the whole, he seemed to think it fortunate, as he very much doubted, whether, if it had been in the action, the fortune of the day would have been changed; and if it had not, the triumph of the enemy would have been more complete, and the country would have been left destitute of the means of defence.

As soon as the troops reached Fort Jefferson, it became a question whether they ought to continue at that place, or return to Fort Washington. For the purpose of determining that question, the General called on the surviving field officers, to wit: Colonel Darke, Major Hamtramck, Major Zeigler, and Major Gaither, and also the Adjutant General,

Colonel Sargeant, for their advice, as to what would be the proper course to be pursued, under existing circumstances. After discussing the subject, they reported it to be their unanimous opinion, that the troops could not be accommodated in the Fort; that they could not be supplied with provisions, at that place; and as it was known there were provisions on the road, at the distance of one, or two marches, it would be proper, without loss of time, to proceed and meet them. That advice was adopted, and the army put in motion again at 10 o'clock, and marched all night. On the succeeding day, they met a quantity of flour, and on the day after, a drove of cattle, which having been disposed of, as the wants of the troops required, the march was continued to Fort Washington.

The loss sustained by the country, from the fall of so many gallant officers and men, was most seriously regretted. General Butler and Major Ferguson, were spoken of with peculiar interest. The public feeling was, however, in some measure alleviated, by the fact, that those brave men, officers and privates, fell covered with honor, in defending the cause of their country.

The principal complaint made by the Commander-in-chief was, that some of his orders, of great consequence, given to Colonel Oldham, over night, were not executed; and that some very material intelligence, communicated by Captain Hough, to General Butler, in the course of the night, before the action, was not imparted to him; and that he did not hear of it, till his arrival at Fort Washington.

It is important to the fame of the commanding General, that in consequence of the almost treasonable negligence of the agents of government, whose duty it was to furnish supplies, the army had been for many days on short allowance, and were so at the time of the battle. That fact had made it indispensably necessary, either to retreat, or send back the first regiment, which was the flower of the army, to bring up the provisions and military stores. The latter

alternative was chosen, and in the absence of that corps, the attack was made.

In regard to the negligence charged on the War Department, it is a well authenticated fact, that boxes and packages were so carelessly put up and marked, that during the action a box was opened marked "flints," which was found to contain gun-locks. Several mistakes of the same character were discovered, as for example, a keg of powder marked "for the infantry," was found to be damaged cannon powder, that could scarcely be ignited.

Under all these disadvantages, it was generally believed by candid intelligent men, that the commanding General was not justly liable to much censure, if any. With one exception, at the commencement of the action, the troops behaved with great bravery. They maintained their ground for three tedious hours, in one uninterrupted conflict with a superior force; nor did they attempt to leave the field, till it was covered with the bodies of their companions, nor until further efforts were unavailing, and a retreat was ordered.

The General, less anxious for himself than for others, was the last to leave the ground, after the retreat had been ordered. For some time after the disaster, he was universally censured; but when a thorough investigation had been made by a committee of Congress, of which Mr. Giles, of Virginia, was the chairman, it was found that the campaign had been conducted with skill and personal bravery; and that the defeat was chiefly owing to the want of discipline in the militia, and to the negligence of those whose duty it was to procure and forward the provisions and military stores, necessary for the expedition.

After the publication of that report, the Secretary of War, believing himself to be injured, addressed a letter to Congress, complaining that injustice had been done him by the committee; in consequence of which the report was re-committed to the same committee, who, after hearing the

statements and explanations of the Secretary, and reconsidering the whole matter, re-affirmed their first report.

In the course of the next season, an attempt was made to open a negotiation with the Indians, for the purpose of effecting a general peace; but without success. Colonel Hardin, and Major Trueman, who went on that embassy with a flag from Fort Washington, were barbarously murdered.

It is stated in a late publication, that those officers were sent out by General Wayne, in succession, with flags to the enemy, by whom they were assassinated; but it appears that they went from Fort Washington with the same flag, on one and the same embassy, in the summer of 1792, while the garrison was commanded by General Wilkinson. General Wayne did not arrive at Cincinnati, till the close of the summer of 1793, and could not have had an agency in the arrangements for fitting out the mission.

The discrepancies which have appeared as to the time, manner, and circumstances, of that unfortunate embassy, are somewhat remarkable. In a former publication, the writer of this article fell into one of those mistakes, which was, however, soon after discovered and corrected.

The most material facts of the case are these. On the 3d of April, 1792, eight days before General Wayne was appointed to the command of the Western army, Major Trueman, being at the seat of government, was appointed by the President to negotiate a treaty with the Western Indians, and on the same day received his instructions from the Secretary of War, with an order to proceed to Fort Washington, and disclose to the commandant, Colonel Wilkinson, the object of his mission; who would concert with him the proper means to carry it into execution. On the arrival of Major Trueman at Fort Washington, Colonel Wilkinson, who had, in the interval, been promoted to the rank of a Brigadier General, saw proper to associate Colonel

Hardin with Major Trueman, and to send them both on the embassy.

They left the fort some time in June, with a servant and a guide, and proceeded on their way to the Indian towns. On the 3d of July following, Colonel Vigo arrived from Vincennes, with information brought to that place, by a Wea chief, that four men, who had gone to the Indian country, from an American fort, had been fired on by a party of Indians; that three of them were killed on the spot, and the fourth, who carried a flag, and had papers in his possession, was taken prisoner, but was killed on the next day. It was further stated, that the papers were taken by the Indians, to a white man who could read, and who informed them that one of the papers was a long, good talk, from a great chief; on which they expressed sorrow for what they had done.

As the embassy from Fort Washington, with a flag and a talk, had set out for the Indian country a short time before, no doubt was entertained of the fact, that those brave officers, Hardin and Trueman, with their attendants, one of whom was a son of Mr. A. Freeman, of Cincinnati, had been treacherously and barbarously murdered.

That conclusion was soon confirmed by some prisoners, who escaped from the Indians, and came into Fort Washington, with the same intelligence. Although the information thus received settled the fact, conclusively, that the American commissioners and their attendants had been cruelly murdered, yet various rumors were in circulation as to the manner in which the crime had been perpetrated.

It is highly probable that the report of the Wea chief was substantially correct. It was certainly more plausible than the foolish tale, recited by William May, in his deposition, taken by General Wayne, at Pittsburgh, that Major Trueman, in order to allay the fears of two Indians whom he fell in with, on his journey, permitted them to tie him,

his servant, and a lad who accompanied him, during the night; and as a matter of course, to murder them all before morning.

It seems to be a well authenticated fact, that after Colonel Hardin was selected to accompany Trueman, he expressed his conviction confidentially to a friend, Captain James Ferguson, of Cincinnati, that the Indians would violate the flag and assassinate him, assigning as a reason, that they had long feared and hated him.

CHAPTER VI.

Situation of affairs on the Frontier.—General Wayne appointed to the command.—Gallant engagement of Major Adair with the Indians.—Commissioners appointed to treat with the North-western tribes.—Their instructions.—Their negotiations.—Improper interference of British officers and agents.—Failure of the negotiation.

THE campaigns of Harmar and St. Clair, and the intermediate expeditions of Scott and Wilkinson, inflamed the rage and malice of the savages to the highest pitch; and prompted them to fill the country with marauding parties, whose depredations and cruelties were most distressing.

At that period the public service rendered it necessary to keep up a constant communication between Fort Washington, the head-quarters of the army, and the advanced posts, for the purpose of conveying supplies, or intelligence; sometimes by small parties, and often by single individuals, who were necessarily exposed to the attacks of those wandering savages.

While the army was on the frontier, the main body of the Indians were in its vicinity, watching its movements, and seeking opportunities to harass and annoy it; yet at the same time, they had parties incessantly lurking about the villages and stations, and watching the roads and paths, leading from one post and station to another. The attacks of those parties were frequent and extremely annoying, and were attended with serious losses, both of life and property. They were, however, always repelled with spirit, and most frequently with success. On some occasions, the assailants suffered severely, and had cause to regret their temerity.

Such being the state of affairs on the frontier, President Washington selected Anthony Wayne, of Revolutionary memory, to take command of the army; and for that purpose, in April, 1792, he was nominated and appointed a Major General. Being aware of some of the causes of the failure of the campaigns, under Harmar and St. Clair, and particularly that those officers had been ordered by the War Department, to advance prematurely into the Indian country, he accepted the appointment, with an express stipulation, that he should not be required to march into the wilderness, till the army was full, and so far disciplined as to justify him in assuming the responsibility, to which such a movement would subject him.

The misfortunes of those who preceded him, were known. He had investigated their causes, and ascertained that they were occasioned, principally, by a want of discipline, and a want of the material, necessary for an army. He had seen two of his Revolutionary associates censured, the one for a total defeat; and the other for heavy losses, under circumstances, which neither skill, nor bravery, could have prevented.

With these lessons before him, he determined to avoid the rock, on which they had made shipwreck, and therefore accepted the appointment, on the condition before stated. A few days after this appointment, James Wilkinson, then a Lieutenant Colonel in the army, was promoted to the rank of a Brigadier, and became the second officer in command. This organization having been made, measures were immediately commenced, to recruit the army, and perfect the arrangements necessary for the approaching campaign.

While these measures were in progress, information was received at the War Department, that on the 6th of November, 1792, a detachment of mounted Kentucky volunteers, encamped in the immediate vicinity of Fort St. Clair, twenty-six miles south of Greenville, near where

Eaton, the county seat of Preble now stands, were suddenly and violently attacked by a large party of Indians, who rushed on the encampment with great fury. A bloody conflict ensued, during which Major Adair, the commandant of the volunteers, ordered Lieutenant Madison, with a small party, to gain the right flank of the enemy, if possible, and at the same time gave an order for Lieutenant Hall to attack their left; but learning that that officer had been slain, the Major, with about twenty-five of his men, made the attack in person, with a view of sustaining Lieutenant Madison.

The pressure of this movement caused the enemy to give way. They were driven about six hundred yards, through, and beyond the American camp, where they made a stand, and again fought desperately. At that juncture, about sixty of the Indians made an effort to turn the right flank of the volunteers. Major Adair, foreseeing the consequences of that manoeuvre, found it necessary to order a retreat. That movement was effected with regularity, and, as was expected, the Indians pursued them to their camp, where a halt was called, and another severe conflict took place, in which the Indians suffered severely, and were driven from the ground.

After the conflict was over, it was ascertained that Lieutenant Madison, who had been sent to the right, was wounded on the first attack, and obliged to retreat into the Fort, leaving two of his command dead on the field. It was also found, that the Indians had carried off the greater part of the horses belonging to the detachment, and that six of the volunteers were killed, five wounded, and four missing. The loss of the enemy was about the same. Major Adair, the commander of the volunteers, was the same officer, who afterwards behaved so gallantly under Harrison and Shelby, in the north, and under Jackson, in Florida and Louisiana.

In the spring following, the arrangements for the cam-

paign still going on, and before much progress had been made, a Board of Commissioners, consisting of Benjamin Lincoln, Beverly Randolph, and Timothy Pickering, was appointed by the President, and vested with ample powers to negotiate a treaty of peace and boundaries, with the North-western tribes of Indians, on just and equitable principles. From the high character of the Commissioners, and the liberal offers they were authorised to make, it was confidently expected, they would succeed in establishing peace, which would supersede the necessity of a campaign, for which the War Department was then preparing.

The Commissioners received their instructions in April, 1793, which were full and explicit, and enjoined it on them, to use every effort in their power, to obtain a confirmation of the treaty of Fort Harmar, made in 1789, and especially that part of it which defined the boundaries, and ceded to the United States the lands lying east, south and west of a line drawn up the Cuyahoga river, from its mouth to the portage of the Tuscarawas branch of the Muskingum; thence down that branch to the forks; thence west, to the portage of the Big Miami, called Loramies; thence along that portage to the Miami, sometimes called Ome, or Maumee, and down the same to its mouth; thence along the southern shore of Lake Erie, to the beginning. They were also instructed to secure to the United States the pre-emption right of the entire Indian country, against foreign nations, as well as individuals.

In consideration of those concessions, they were instructed to offer the Indians the guarantee of the United States, of the right of soil, to all the remaining lands in that quarter, and the relinquishment of the places, granted in the former treaty, for trading posts; and also, the abandonment of any military posts which had been established without the boundaries named in the treaty. In addition to this, they were directed to offer the payment of fifty

thousand dollars in hand, and an annuity of ten thousand dollars, forever.

Having received those instructions, the Commissioners proceeded, without delay, to Niagara, by Albany and Oswego. On their arrival at that place, they were received by Lieutenant Governor Simcoe, with much friendship, and pressed to take lodgings with him, at *Navy Hall*, the place of his residence, which offer was accepted, with proper acknowledgments. On the 30th of May, they wrote to Colonel McKee, Superintendent of Indian affairs, advising him of their appointment to hold a treaty with the Indians at Sandusky, and of their arrival at Niagara, on their way to that place. They politely requested his aid, and desired him to make known to the Indians, that they had arrived, and would meet them at Sandusky by the last of June. General Chapin, Superintendent of the Six Nations, was invited to attend the Commissioners, during the treaty at Sandusky, which he agreed to do, and was promised a reasonable compensation for his time and services.

On the 7th of June, they addressed a note to Governor Simcoe, suggesting the great importance of their mission, and the difficulties they apprehended from the existence of deep-rooted prejudices, and unfounded reports among the Indians, produced by the arts of a few bad men residing among them. They assured him of the liberal views and feelings of the United States, towards all the Indian tribes—that they were prepared to make every concession, that the condition of their settlements would permit—and to make ample compensation for any concessions made to them by the Indians.

They solicited his influence in counteracting those reports, and disabusing the minds of the Indians; and for that purpose, requested him to designate some of the British officers, to accompany them to Sandusky, and attend the treaty. The Governor answered their note with great

kindness and good feeling, intimating a readiness to aid them to the extent of his power and duty. On mentioning to him their intention of proceeding to Detroit, for the purpose of obtaining information, he objected to their going up to the town, though they might go to the mouth of Detroit river, and offered to obtain letters for them, from Mr. Baby, a member of the Legislative Council, to persons residing there, who would furnish such accommodations as they might need.

On that suggestion, they determined to proceed, at once, to the place designated, but were detained several days, by contrary winds. In the mean time, Colonel Butler, a British Superintendent of Indian affairs, and Captain Brandt, arrived, with about fifty Indians, being a deputation from the Nations assembled at the rapids of the Miami, to confer with the Commissioners, in presence of the Governor of Upper Canada.

On the 7th of July, Brandt, in the name of the deputies, made the following address to Governor Simcoe:—"It being agreed at the rapids, that we should come and meet the Commissioners, in our father's presence, we return our thanks to the Great Spirit, for seeing your excellency well, this day. Our intention and business is peaceable, and our inclination is to do what is right and just. We are all of one mind, and wish your excellency to be present."

The Governor, in reply, said, he was happy to see them well; and as the Commissioners expressed their wishes to meet the Indians in his presence, he should be glad to hear what they had to say. A copy of this address and answer, was received by the Commissioners, from the Governor, by the hand of his private secretary.

The deputation then met, and gave notice to the Commissioners that they desired to speak with them. The Commissioners attended accordingly, when a Shawanee chief called *Cat's Eyes*, addressed them. He said, they "had been sent by the nations of Indians, assembled at the rapids of

the Miami, to meet the Commissioners of the United States, and that it was the will of the chiefs of those nations that their father, the Governor of the province, should be present, and hear what they had to say to the Commissioners, and what the Commissioners had to say to them." It was then agreed that the conference should be held at the Governor's house, the next evening. At the time and place appointed, the Governor, the Commissioners, and the deputation of Indians from the rapids, with a number of civil and military officers, assembled. Captain Brandt, with a belt and strings of wampum, rose and said:—

"Brothers! We have met to-day, our brothers, the Bostonians, and the English." He then proceeded to tell them that they did not assemble at the time and place appointed for holding the treaty, because there was so much of the appearance of war, in that quarter; and requested an explanation of those warlike appearances. He told them they were sent to represent the Indian nations, who owned in common, the lands north of the Ohio river, and were all of one mind—one heart. He said further, "We have come to speak to you, for two reasons; one, because your warriors being in our neighborhood, have prevented our meeting at the appointed place; the other, is to know if you are properly authorised to run, and establish a new boundary line, between the lands of the United States, and of the Indian nations." He said further, that they wished the Commissioners to deliberate well on the business, and affirmed, that they had spoken their sentiments in sincerity, as in the presence of the Great Spirit, from whom, in time of danger, they expected assistance.

The Commissioners answered, that they had attended to what had been said, that they would take it into consideration, and give their answer to-morrow. Captain Brandt replied, "We thank you for what you have said; you say you will answer our speech to-morrow—We cover up the Council-fire."

On the next day, the Council being again assembled, and the same parties present as before, the Commissioners delivered their answer to the speech of Captain Brandt. After recapitulating accurately, the speech of the Indians on the preceding day, they requested them to listen to the answer, in behalf of the United States. In explanation of the two objects specially stated in that speech, they remarked—that as to the first point, they could not but express their extreme regret, that any reports of warlike appearances on the part of the United States, on the northern side of the Ohio river, should have delayed the meeting at Sandusky. They insisted that the nature of the case irresistibly forbade all apprehensions of hostile incursions into the Indian country north of the Ohio, during the progress of the treaty at Sandusky.

They assured them that they were deputed by the great Chief, and the great Council of the United States, to treat with them in peace; and that it was impossible for the same great Chief, and his great Council, to order their warriors to make fresh war, while their Commissioners were sitting around the same Council-fire with their red brothers, in order to make peace. That it was impossible for the great American Chief, General Washington, and his Council, to act so deceitfully towards their own Commissioners, and towards them, their red brothers. They assured the deputation, and all others who were then present, that the great American Chief had strictly forbidden all hostilities against them, till the event of the proposed treaty at Sandusky should be known; and they produced the proclamation of General Wayne, the head warrior of the Americans, to that effect.

“Our great Chief,” said they, “is so sincere in his professions in favor of peace, and so desirous of preventing every thing which could obstruct the treaty, and prolong the war, that besides giving the orders, just exhibited, to his head warrior, he has informed the Governors of the States ad-

joining the Ohio, of the treaty proposed to be held at Sandusky, and desired them to unite their power with his, to prevent any hostile attempts against the Indians north of the Ohio, until the results of the treaty should be made known; and that those Governors had accordingly issued their orders, strictly forbidding all such hostilities." They then exhibited the proclamations of the Governors of Virginia and Pennsylvania, and said further, that after all these precautions of the great American Chief, if any hostilities should be committed north of the Ohio, they must proceed from a few lawless people, whom no considerations of justice or public good could restrain; but they did not believe that any such could be found. Having made these explanations, they expressed a hope that their red brethren would possess their minds in peace, relying on the good faith of the United States, that no injury was to be apprehended by them, during the treaty.¹

As to the second point, whether the Commissioners were properly authorised to run and establish a new boundary line, they answered explicitly, that they were vested with that power; and that the great discussion at the treaty would be, where that line should be run; and added their sincere hope and expectation, that it might be fixed to the entire satisfaction of both parties. They expressed it as their conviction, that some concessions would have to be made on both sides; as in all disputes or quarrels, both parties usually took some wrong steps; so that it was only by mutual concessions, that a true reconciliation could be effected. On that head they expressed a strong wish to be clearly understood, as they intended that all their proceedings should be marked with candor. They repeated their former remark, and said explicitly, that some concessions would be necessary on their part, as well as on their own, in order to establish a just and permanent peace. They added, that after the great point of boundary should be fully considered, at the treaty, they would know what con-

cessions and stipulations it would be proper to make, on the part of the United States; which they trusted would be such, as the world would pronounce reasonable and just.

They said further, that as the deputation had told them, that they represented the nations who owned the land north of the Ohio, whose chiefs were assembled at the rapids of the Miami, it would be a satisfaction to be informed of the names of those nations, and of the number of the chiefs of each, so assembled. They again called the attention of the Indians to the representation they had made, of warlike appearances in their country; and in order to give them complete satisfaction on that point, they assured them, that as soon as the council then sitting should close, they would send a messenger on horse-back, to the great chief of the United States, desiring him to renew and strongly repeat his orders, to his head warrior, not only to abstain from all hostilities, but to remain quietly at his post, until the event of the treaty should be known.

This speech of the American Commissioners having been interpreted, by different persons, into the language of each of the chiefs present; the Shawanee chief again addressed the Commissioners, in these words:

"Brothers, the Bostonians, attend! We have heard your words. Our fathers, the English people, have also heard them. We thank the Great Spirit that you and we have been preserved in peace, and that we bring our pipes together. The people of all the different nations here, salute you. They rejoice to hear your words. It gives us great satisfaction that our fathers, the English, have heard them also. We shall, for the present, take our pipes and return to our encampment, where we shall deliberately consider your speech, and return you an answer to-morrow."

On the next day the council met, present as yesterday. Captain Brandt rose with the belt and strings of wampum, yesterday delivered by the Commissioners, and addressing himself to the English and Americans, said:

"We are glad the Great Spirit has preserved us in peace, to meet together to-day." *"Brothers of the United States:* yesterday you made an answer to the message delivered you by us, from the great council at Miami, in the two particulars which we had stated to you. You may depend on it, we fully understood your speech. We shall take with us your belt and strings, and repeat it to the chiefs at the great council at the Miami." [He then laid down the strings and belt, and took up a white belt and proceeded.]

"Brothers! We have something more to say to you, though not much. We are small, compared with our great chiefs, at the Miami; but though small, we have something to say. We think, from your speech, there is a prospect of coming together. We, who are the nations at the West, are of one mind; and if we agree with you, as there is a prospect that we shall, it will be binding and lasting. Our prospects are the fairer, because our minds are one. You have not heretofore spoken to us unitedly. Formerly, because you did not speak to us unitedly, what was done was not binding. Now you have an opportunity of speaking to us together; and we now take you by the hand, to lead you to the place appointed for the meeting." [A white belt of seven rows.]

"Brothers! This is all we have to say."

Afterwards, Captain Brandt, recollecting that he had not answered the Commissioners, respecting the nations and chiefs assembled at the Miami, rose and said: "One thing more we have to say—Yesterday you expressed a wish to be informed of the names of the nations, and number of chiefs assembled at the Miami; but as they were daily coming, we cannot give you exact information;—you will see for yourselves in a few days. When we left it, the following nations were there, to wit:—Five Nations, Wyandotts, Shawanees, Delawares, Munsees, Miamies, Ottawas, Chippewas, Potawatamies, Mingoes, Cherokees,

and Nan-ti-ko-kees. The principal men of all these nations were there."

The Commissioners then replied, "*Brothers!* Our ears have been open to your speech. It is agreeable to us. We are ready to accompany you to the place of treaty, where, under the direction of the Great Spirit, we hope for a speedy termination to the present war, on terms equally interesting and agreeable to all parties."

On the 10th of July, the Commissioners wrote to the Secretary of War, advising him of their promise to the Indians, to request that fresh orders might be sent to General Wayne, not only to abstain from hostilities, but to remain quietly at his post; and expressing their own opinion in favor of the measure; as being indispensably necessary to the success of the treaty. The Indians had been informed by their scouts, who were constantly on the alert, that General Wayne had cut and cleared a road from Fort Washington into the Indian country, passing Fort Jefferson, and extending six miles beyond it;—that large quantities of provision were accumulated at the forts, and that large droves of horses and cattle were collected and guarded by considerable bodies of troops. With such preparations for war in their neighborhood, they said it was impossible for their minds to be at rest.

It is important, said the Commissioners, to consider the manner in which negotiations are carried on, and treaties formed by the Indians. Such business is not managed as it is with us, by a few Commissioners or Chiefs, but the body of the nation assemble and take part in the transactions. Hence it was, that such negotiations were delayed or interrupted, if the movements of an enemy called the warriors from the council, to watch or check them. These reports, they believed, were greatly exaggerated; but there was enough of truth in them, to create alarm in the suspicious minds of Indians. Many of them feared, and some believed, that the treaty was intended as a decoy; and that

measures were on foot, to strike a fatal blow, as soon as their tribes should be assembled at Sandusky.

It was easy, without violating the truth, to contradict those reports, as was done by the Commissioners, in the most positive manner; but it was not so easy to convince the minds of the savages, or quiet their fears; hence the earnestness with which they pressed their recommendation on the attention of the government.

On the next day, the Commissioners left Niagara, and on the day after, arrived at Fort Erie. The wind being favorable, they set sail for the mouth of Detroit river, where they arrived on the morning of the 21st, and took quarters at Captain Elliott's, who was an assistant to Colonel McKee. On the same day, they addressed a note to the Colonel, informing him of their arrival at that place, where they proposed to remain, till advised that the Indians at the rapids of the Miami, were ready to remove to Sandusky. They also very politely solicited his endeavors, to expedite the councils of the Indians, and to inform them (the Commissioners) when they might expect the Indian nations would be at Sandusky; so that they might regulate their movements accordingly. In a few days thereafter, Captain Elliott arrived at the mouth of the Detroit river, with a deputation of twenty Indians, from the nations assembled at the foot of the rapids; and on the following day, the Commissioners met them in council.

A Wyandot chief, after some complimentary, unmeaning remarks, interpreted by Simon Girty, a renegade American from the neighborhood of Pittsburgh, delivered to the Commissioners a paper, which, he said, contained the determination of the Indians. The substance of the communication was to this effect: that they insisted on the treaty of Fort Stanwix, which established the Ohio river as the boundary between them and the white people; and that if the United States seriously wished to make a firm and lasting peace, they would immediately remove all their

people from the upper side of that river, which the Indians claimed as their own. This paper was signed by the Wyandots, Delawares, Shawanees, Miamies, Mingoes, Pottawatamies, Ottawas, Connoys, Chippewas and Munsees.

In the evening of the same day, the Commissioners delivered their answer to the Indian deputation, in which they very concisely recapitulated the substance of what had occurred, in their different interviews with the representatives of the Indian nations; and exhibited the inconsistency between their former conversations, and the grounds they had then taken; and again urged the necessity of mutual concessions; and once more repeated the offer of the United States to act on that principle. They stated their reasons for wishing to meet all the Indians in council, face to face. They insisted, that the concessions which ought to be made on either side, and also the fixing of the boundary line, between the United States and their red brothers, were proper subjects for discussion at the treaty, when they would speak face to face. They also complained, that the course adopted by the nations at the Rapids, kept the parties at a distance from each other, and cherished those jealousies and suspicions, which were the greatest obstacles to a peace; and that they were, on that account, desirous of meeting the Indian nations in full council, without more delay.

They admitted, that by the first treaty made at Fort Stanwix, in 1768, the Ohio was made the boundary, but reminded them, that, when the United States became an independent nation, the British King established the chain of the great Lakes, as the boundary. They also called the attention of the deputation to the second treaty of Fort Stanwix, made in 1784; and to the treaty of Fort Harmar, in 1789, by which the United States purchased large tracts of land from the Indians, north of the Ohio, which had been sold to white people who had settled and improved them—that these settlements were very numerous—that they had

been expensive, and could not be given up, on any terms whatever. They then told the deputies in direct and positive terms, that, for the reasons stated, it was impossible to make the river the boundary between their people and the citizens of the United States.

The Commissioners then appealed to the understanding and good sense of the deputies, to determine, whether, under the circumstances stated, it were possible to make the Ohio the boundary; and whether it was not necessary, in order to obtain a permanent peace, that both they and the United States should make concessions. They again desired the deputation to hear them patiently. The business, they said, was of the highest importance, and required a great many words to be understood. They further stated, that in their opinion, the concession necessary to be made, on the part of the Indians, was, to relinquish a part of the lands north of the Ohio—that the United States wished to have confirmed to them, all the lands ceded by the treaty of Fort Harmar, and also a small tract near the Falls, for the use of General Clark and his warriors; in consideration of which, the United States would give the largest sum, in money or goods, that was ever given, at one time, for any quantity of Indian lands, since the white people first set their foot on this island. They told them further, that, inasmuch as those lands furnished them every year, with skins and furs, with which they bought clothing, and other necessities; the United States would furnish them with the same description of supplies; and in addition to the great sum to be advanced at once, they would every year deliver to them large quantities of such goods, as were most necessary for them, and their women and children. They said further, that if the Indians could not give up all the lands mentioned before, then they would desire to treat and agree on a new boundary line; and for the land ceded by such new line, the United States would pay them a large compensation.

This, said the Commissioners, is one concession offered by the United States;—now listen to another, on a subject which has probably disturbed your minds more than any other whatever. The United States formerly set up a claim to all the country south of the great Lakes, on the ground that it was given to them by the treaty of peace, with your father, the King of Great Britain, who declared the middle of those Lakes to be the boundary of the United States; but, they added, “we are determined to be open and sincere, and therefore frankly tell you, we think an erroneous construction has been put on that part of the treaty with the King—that he only intended to transfer the right of pre-emption, or the exclusive right of purchasing the title of the Indians, which he then held; and your great father having conveyed that right to the United States, they alone have now the power of purchasing from you, his children.” They added, “All your brothers, the English, know this to be true, and it agrees with what your father, Lord Dorchester, told you at Quebec, two years ago.” “Now,” said they, “we concede this great point. By the express authority of the President of the United States, we acknowledge the property or right of soil to the great country above described, to be in the Indian nations, as long as they desire to occupy it. We claim only the tracts before particularly mentioned, and the right of pre-emption granted by the King as before explained.”

In conclusion, they said, “*Brothers!* We have now opened our hearts to you. We are happy in having an opportunity of doing it, though we had rather have done it in the full council of your nations. We hope soon to have an opportunity of doing this; and that your next deputation will take us by the hand, and lead us to the treaty. When we meet, and converse freely, we can easily remove any difficulty which may come in the way of peace.”

The Commissioners then handed the speech with a

white belt, crossed with thirteen rows of black wampum, to the Indian deputation, who promised to make a reply in the morning.

The next day, August the 1st, the council met, when the Wyandot Chief spoke as follows :

" Brothers! We heard you speak yesterday. We understand you well. You mentioned the treaty of Fort Stanwix, and other treaties; those treaties were not complete; there were but a few chiefs who treated with you. You have not bought our land. You tried to draw some of us off. Many years ago, the Ohio was made the boundary. That was settled by Sir William Johnston. You mentioned General Washington,—he and you know, that you have your houses and people on our land. You say you cannot move them off. We say, we cannot give up our land. We are sorry we cannot come to an agreement. The line has been fixed long ago.—Brothers! We don't say much. There has been much mischief on both sides. We came here upon peace, and thought you did the same. We shall talk to our head warriors. You may return whence you came, and tell Washington."

The Council then breaking up, Captain Elliot went to the Shawanee Chief, and told him that the last part of the speech of the Wyandot Chief was wrong. The Wyandot Chief then came back, and admitted that it was wrong. After some explanations, Girty said to the Commissioners :

" Brothers! Instead of going home, we wish you to remain here for an answer from us. We have your speech, and shall consult our head warriors." The Commissioners consented to remain, but desired their answer might be given without delay.

Some days after, letters were received from Captain Hendrick, chief of the Mohicans, giving information of the proceedings of the Indians at the Rapids, and stating, that the nations were all for peace, except the Shawanees, Wyandots, Miamies, and Delawares. Reports were after-

wards received, that those nations, also, had yielded to the majority, and that peace might be expected. These reports, however, proved to be unfounded. After waiting nearly two weeks, without any official information, they proposed to proceed to the Rapids, and make their appeal to the assembled nations in person; but were told they could not be permitted to go to the Maumee Bay, till Colonel McKee should give them notice, that the Indians were ready to receive them.

After waiting a few days longer, the Commissioners received the final answer of the Indians, in which they recapitulated the speech delivered to them by the Commissioners, on the 31st of July, at the mouth of Detroit river, and then proceeded to say, in substance, that a general council of all the Indian Confederacy, was held in the fall of 1788, at the same place in which they were then assembled,—that they were then invited by Governor St. Clair to meet him, for the purpose of holding a treaty respecting the lands claimed to have been granted to the United States, by the treaties of Fort Stanwix and Fort McIntosh,—that the Commissioner of the United States was then informed, that no bargain, or sale, of any part of those lands would be considered as valid, or binding on the Indians, unless agreed to by a General Council,—that, notwithstanding this, the Commissioner persisted in collecting a few Chiefs of two or three nations only, and with them, held a treaty for the cession of an immense country, in which they were no more interested, than as a branch of the General Confederacy,—and, that they were in no manner authorised to make any grant or concession whatever.

They also said, that it was impossible for the United States to enjoy peace, or quietly hold those lands, when their Commissioner was informed, long before he held the treaty of Fort Harmar, that the consent of a General Council was absolutely necessary, to convey any part of them to the United States,—that the parts which had been sold by

the United States, and settled by their people, were sold subsequent to the notice above stated.

In regard to the large sum of money, and the annuity offered by the Commissioners, they remarked, that money to them, was of no value, and to most of them, was unknown; and as no consideration whatever, could induce them to sell the land on which they depended for a subsistence for their women and children, they hoped they might be allowed to point out to the Commissioners a mode by which their settlers on those lands might be easily removed, and peace be thereby obtained. Presuming that these settlers were poor, from the fact, that they had ventured to live in a country which had been in constant trouble since they crossed the Ohio, they proposed to divide the large sum of money which had been offered to the Indians, among them; and also, to give each a portion of the promised annuity, which they believed, the settlers would readily accept, in lieu of the land. They said further, that if, in addition to this, the United States would give to those settlers, the great sums which must be expended in raising and paying armies, to drive the Indians from their country, they would certainly have more than sufficient to repay them for all their labor and improvements. They said further, that the Commissioners had talked about concessions, but it appeared strange, they should expect any from the Indians, who had been only defending their just rights against invasion.—“We want peace,” said they, “restore to us our country, and we shall be enemies no longer.”

“You make one concession, by offering us money, and another, by agreeing to do us justice, after having long and injuriously withheld it.

“We maintain that the king of England never did, and that he never had a right to give you our country, by the treaty of peace. Because you have at last acknowledged our independence, you want to make that act of common justice, a ground for surrendering to you our country. You

have talked also a great deal about pre-emption, and your exclusive right to purchase our lands, ceded to you, as you say, by the king, at the treaty of peace. We never made any agreement with the king to that effect, and we declare ourselves free to make any bargain or cession of lands whenever, and to whomsoever we please." They said further, that at their general council at the Glaise, last fall, they agreed to meet Commissioners from the United States, provided they consented to acknowledge and confirm the Ohio to be the boundary line, and on no other condition. They affirmed, that their only demand was the peaceable possession of the small part of their once great country, which remained to them. They entreated the Commissioners to look back upon the lands, from which they had been driven. They alledged that they could retreat no farther; because the country behind, hardly afforded food for its present inhabitants; and that they had therefore resolved to leave their bones, in the small space to which they were then confined.

In conclusion, they said: "*Brothers!* We shall be persuaded that you mean to do us justice, if you agree that the Ohio shall remain the boundary line between us. If you will not consent to that, our meeting will be altogether unnecessary. This is the great point, which we hoped would have been explained before you left your homes, as our message, last fall, was principally directed to that subject."

This communication was signed by the Wyandots, Seven Nations of Canada, Delawares, Shawanees, Miamies, Ottawas, Chippewas, Senecas of the Glaise, Pottawatamies, Connoys, Munsees, Nantikokees, Mohicans, Greeks, and Cherokees.

The Commissioners immediately dispatched the following reply, to the chiefs and warriors of the Indian nations, assembled at the foot of the Miami rapids:

"Brothers! We have just received your answer to our speech of the 31st of last month. You say it was interpreted to all your nations, and we presume it was fully understood. We therein explicitly declared, that it was impossible to make the Ohio river the boundary, between your lands and the lands of the United States. Your answer amounts to a declaration, that you will agree to no other boundary than the Ohio. The negotiation is therefore at an end."

"Brothers! We sincerely regret that peace is not the result, but knowing the liberal and upright views of the United States, which, as far as you gave us an opportunity, we have explained to you; we trust that impartial judges will not attribute the continuance of the war to us, or our country."

On the next morning, the Commissioners sent information, by their own runners, to the chiefs of the Six Nations, of what had been done, expressing their regret at the failure of the negotiation, and furnishing them with copies of the proceedings, which they might not otherwise obtain. They assured the Six Nations, that they came with the most sincere desire to make a peace, that would be beneficial to both parties; and that, if such a peace had been established, not only the justice and humanity of the United States, would have been continued to the tribes, but their beneficence would have been extended to them; and peace would have been rendered as lasting as the hills. But having failed in this object, they should return home, and report their proceedings to the President.

Thus ended in disappointment, a tedious negotiation of three months, conducted on the part of the United States, with great prudence and talent. Only a few days before its termination, the reports from the great council, at the foot of the Rapids, authorised the expectation of a successful result.

From a review of the whole affair, it is manifest, that the

grounds taken by the American Commissioners, in regard to the obligatory character of the treaties between the United States and the Indians, from the second, negotiated at Fort Stanwix, in 1784, to that of Fort Harmar, in 1789, were sound and unanswerable. From the same examination, it will also be evident, that a treaty, satisfactory to both parties, would have been made, but for the influence, steadily and successfully exerted on the minds of the savages, by the agents of the British government; and it will also appear, that every tribe represented in the great council, except the Wyandots, Shawanees, Delawares, and Miamies, were willing, and most of them anxious to make a treaty, and put an end to the war.

On the 23d of August the Commissioners arrived at Fort Erie, on their way home; from whence they wrote to Major Craig, Deputy Quartermaster, at Pittsburgh, enclosing letters for General Wayne, which they directed to be conveyed to him with the utmost speed, and that no expense should be spared to effect it.

To guard against disappointment, copies of those letters were multiplied, and sent by four or five different conveyances. Their chief object was to advise the Commander-in-chief of the failure of the treaty—to put him on his guard—to let him know that the embargo laid on his movements was taken off, and that he was then at liberty to renew hostilities against the Indians, without delay. One of them, written at Fort Erie, on the 23rd of August, closed with the following remark:—"Although we did not effect a peace, yet we hope that good may hereafter arise from the mission. The tranquillity of the country, northwest of the Ohio, during the continuance of the treaty, evinced your care of our safety, and we cannot leave this quarter, without returning you our unfeigned thanks."

The Commissioners, on their way from the mouth of the Detroit river, wrote to the Secretary of War, giving him a

detailed account of the progress and close of the negotiation, and informing him of the means taken to communicate to General Wayne, and the different agents of the government in the western country, the failure of the treaty, and the course they had pursued to conciliate the Six Nations, who were openly and decidedly in favor of the United States, and who exerted all their influence in the grand council, to induce them to make peace.

CHAPTER VII.

Condition of the Western Army in 1793.—Encampment at Hobson's Choice.
—Discipline of the army.—Order of march.—Fortifications at Greenville.
—Indians attack Fort Recovery.—Repulsed with very heavy loss.—Proofs
of British influence over the Indians.—Lieutenant Lowery attacked.—De-
feated.—Killed.

ALL prospects of peace being now at an end, the attention of the War Department was directed to the completion of the army; which was to consist of five thousand one hundred and twenty, rank and file, and to the arrangements necessary to sustain it. In answer to a call, for a statement of the number of non-commissioned officers and privates, then in service, General Knox reported, that exclusive of the small detachments at West Point, and in the South, which were not considered as belonging to the Western army, there were, on paper, three thousand five hundred and ninety-four—showing a deficiency of fifteen hundred and twenty-six.

That report was accompanied by a statement from General Wayne, made in October, from which it appeared that the entire force for the expedition, independent of those reported sick, and in garrison, and including ten hundred and twenty-nine mounted volunteers, to be raised by General Scott, but not yet in camp, amounted to three thousand six hundred and twenty-nine. There was, of course, at that time, a deficiency, of fourteen hundred and ninety-one. In addition to this, the influenza was prevailing with great severity, in all parts of the country, by which a large propor-

tion of the men in camp, were returned on the sick list, as unfit for duty. At the same time General Wilkinson was lying dangerously ill, at Fort Jefferson, with the same disease.

General Wayne, having been authorised by the War Department, to resort to any lawful expedient to bring forward the mounted volunteers from Kentucky, after a pressing correspondence on that subject with Governor Shelby and General Scott, and after the season was far advanced, proceeded to order a draft from the militia of that State, as a dernier resort; remarking at the same time, that he had but little hope of its success. It was his opinion, that the safety of the out-posts and the settlements required him to advance at the earliest moment possible, to guard them against the host of savages, who were congregated at the Rapids, and were then at liberty to commence hostilities.

The communications from the Commissioners, in the early part of their intercourse with the Indians, had created a general expectation that peace would be the result of their labors; and, as a consequence of that impression, the efforts to complete the military establishment, were entirely suspended; so that when the time for action came, neither the recruits to fill the regular regiments, nor the volunteers called for by the President, from Kentucky, were ready to join the army. In addition to this, the sickness which had prevailed during the summer, reduced the effective force in camp to two thousand six hundred, officers included. Such, however, was the exposed condition of the frontiers, that the General, after deliberately weighing the consequences, wrote to the Secretary of War, that something must be done, immediately, to save them from the impending fury of the savages, and that he would therefore advance with the force he then had, in order to gain a strong position in front of Fort Jefferson, so as to keep the enemy in check, by exciting apprehensions for the safety of their women and children, and wait there, until a favorable

opportunity might present itself, to strike a blow with effect.

It was his opinion, that the apparent tranquillity on the frontier, and elsewhere, was temporary, and indicated that the enemy were collecting in force, to oppose the legion on its march, and attack it in some position, unfavorable for the action of cavalry; yet he expressed entire confidence in his ability to sustain himself, and keep the enemy in check, if nothing more, till his troops should be collected; which he hoped would be in time, to give the haughty savage a blow, that would compel him to sue for peace, before the next opening of the leaves.

If he should be disappointed in the arrival of his forces, as he expected to be, he assured the Secretary, that he would not commit the legion, so as to endanger its safety, or put at hazard the honor and reputation of the government; and that, unless more powerfully supported than he then was, he would content himself with taking a strong position, in advance of Fort Jefferson; where he might protect the frontiers, secure the out-posts, and improve the discipline of his army, during the winter. It was a matter of regret, that at so interesting a period, when so much was at stake, the army had not been completed, according to the original plan of the government. But it will be remembered, that during the tedious negotiation with the Indians, which continued between three and four months, the American officers and agents were strictly prohibited from making any movement of a military character.

When that prohibitory order was received, in the spring of 1793, General Wayne was at Legionville, with a portion of his troops, where he continued in a state of inactivity, during the season. When the order was revoked, after the failure of the negotiation, about the 1st of September, he repaired to Fort Washington, and encamped with his troops on the bank of the Ohio, between the village of Cincinnati and Mill creek. To that encampment, he gave

the name of "Hobson's Choice," it being the only place in that vicinity, suited for the object intended. During the time they remained in that encampment, waiting for reinforcements, they were constantly and laboriously engaged in military exercises and movements, particularly those which had been adopted, as best suited to the nature of the service, in which they were employed.

The country through which they had to march, was a dense wilderness, containing ravines, thickets, morasses, water courses, etc.; at any of which, the whole force of the Indians might be made to operate, at once, on the legion, without warning. The General foresaw this; and that the obstructions to be encountered, and the character of the enemy with whom he had to contend, made it hazardous to pursue the customary modes of marching through cultivated, civilized, countries.

The subject had therefore occupied his mind, when first he received his appointment; and before he left Philadelphia, he conversed on it freely with the President, who had more experience in the mode of Indian warfare, and understood it better, than any other officer living. With the information derived from that high source, General Wayne formed a plan for conducting his marches, and constructing his encampments, in the Indian country, well calculated to guard against surprise, and enable him, in case of a sudden attack, to form his line of battle without confusion, and in the shortest time possible.

In addition to the videttes, usual in military movements, a strong guard preceded the army, which followed in parallel lines, at such distances, and so arranged, that the line might be quickly formed, by a single manoeuvre. General Harrison, in his subsequent successful campaigns, in the Indian country, adopted the same plan, with great success, having seen its operation in the army of General Wayne.

In accordance with the determination before expressed,

the General took up his line of march for the frontier, on the 7th of October, and on the 13th of the same month, arrived at a fork of the south west branch of the Miami, now called Stillwater, six miles in advance of Fort Jefferson, in perfect order and without an accident. Finding that he could not proceed further, for want of provisions, he determined to halt, and encamp with his army at that point, which was at an intermediate distance between Fort Jefferson and the fatal battle-ground of 1791.

In his letters to the War Department, he repeated his conviction, that the safety of the western frontier—the reputation of the legion—and the dignity of the nation—forbade a retrograde movement, or the giving up of an inch of ground then possessed, till the Indians should be compelled to sue for peace. He informed the Secretary, that the greatest difficulty, under which he then labored, was the want of a sufficient force, occasioned by the non-arrival of the mounted volunteers, to enable him to furnish escorts, to secure the convoys of provisions and other supplies, from insult and disaster; and at the same time, to retain a sufficient force in camp, to sustain it against the attacks of the enemy, who appeared to be numerous, determined, and desperate.

In the same dispatch, he advised the Secretary, that Lieutenant Lowery, of the 2d sub-legion, and Ensign Boyd, of the 1st, with a command of ninety non-commissioned officers and privates, having in charge twenty wagons loaded with grain, belonging to the Quartermaster General's department, and one, belonging to the Contractor, loaded with military stores, were attacked on the morning of the 17th of October, near Fort St. Clair, by a very superior number of the enemy; and that those gallant young officers, together with thirteen non-commissioned officers and privates, who had been abandoned by the greater part of the escort, on the first fire, were killed after an obstinate resistance.

On that occasion, the savages took about seventy pack-horses, leaving the wagons and stores standing in the road, which were afterwards brought into camp with the loss only of a few trifling articles. It appears from the Executive Journal of the Senate, that Lieutenant John Lowery, who commanded this detachment, was from the State of New Jersey—that he had served with reputation in the levies of 1791, under General St. Clair, and was, of course, in the desperate battle of November 4th. It also appears that, in consequence of his good behavior, on that campaign, he received his commission in the regular army.

The General, admonished by that disaster, immediately dispatched a company of light infantry, and a troop of dragoons, to reinforce a detachment consisting of four companies of infantry, which had been sent out under the command of Colonel Hamtramck, as an escort to the wagons and pack-horses of the Quartermaster General, and the contractor. Soon after this movement, information was received at head quarters, that the Indians at Au-Glaise had sent their women and children into places of safety, and that the warriors were collecting in great force. It was understood, however, that they could not continue embodied long, for the want of provisions.

In communicating that intelligence, the General advised the War Department, that he had then in camp, seventy thousand rations, and expected a hundred and twenty thousand more, by the return of the escort under the command of Colonel Hamtramck. As yet, General Wilkinson had not been able to resume his command in the army, by reason of his severe indisposition; and a large number of the men reported on the sick list, continued unable to perform military duty.

The site, selected by General Wayne, for his winter quarters, was a beautiful high plain, lying on one of the small streams which form the Stillwater-branch of the Big Miami river. The encampment was called Greenville, and

gave name to the creek on which it was built. It was spacious, and the buildings, though constructed of logs, were very commodious and comfortable, and it was so strongly fortified, as to defy any assault that could be made on it by the enemy.

When this work was finished, all fears for the safety of the army were dismissed, and the General again applied himself, with great assiduity, to instruct and improve his troops in military tactics. It does not appear that any serious effort was made to molest this encampment, or the separate garrisons in its vicinity, after the affair of October, 1793. But on the 30th of June following, a very severe and bloody battle was fought under the walls of Fort Recovery, between a detachment of American troops, consisting of ninety riflemen and fifty dragoons, commanded by Major McMahon, and a very numerous body of Indians and British, who at the same instant, rushed on the detachment, and assailed the Fort on every side, with great fury. They were repulsed, with a heavy loss, but again rallied and renewed the attack, keeping up a heavy and constant fire during the whole day, which was returned with spirit and effect, by the garrison.

The succeeding night was foggy and dark, and gave the Indians an opportunity of carrying off their dead, by torch-light, which occasionally drew a fire from the garrison. They, however, succeeded so well, that there were but eight or ten bodies left on the ground, which were too near the garrison to be approached. On the next morning, McMahon's detachment having entered the Fort, the enemy renewed the attack, and continued it with great desperation during the day, but were ultimately compelled to retreat from the same field, on which they had been proudly victorious on the 4th November, 1791.

The expectation of the assailants must have been to surprise the post, and carry it by storm, for they could not possibly have received intelligence of the movement of the

escort, under Major McMahon, which only marched from Greenville, on the morning preceding, and on the same evening, deposited in Fort Recovery, the supplies it had convoyed. That occurrence could not, therefore, have led to the movement of the savages.

Judging from the extent of their encampment, and their line of march, in seventeen columns, forming a wide and extended front, and from other circumstances, it was believed, their numbers could not have been less than from fifteen hundred to two thousand warriors. It was also believed, that they were in want of provisions, as they had killed and eaten, a number of pack-horses in their encampment, the evening after the assault, and also, at their encampment on their return, seven miles from Recovery, where they remained two nights, having been much encumbered with their dead and wounded.

From the official return of Major Mills, Adjutant General of the army, it appears that twenty-two officers and non-commissioned officers were killed, and thirty wounded. Among the former, were Major McMahon, Captain Harts-horn, and Lieutenant Craig; and among the wounded, Captain Taylor of the dragoons, and Lieutenant Drake, of the legion. Captain Gibson, who commanded the Fort, behaved with great gallantry, and received the thanks of the Commander-in-chief, as did every officer and soldier of the garrison, and the escort, who were engaged in that most gallant and successful defence.

Immediately after the enemy had retreated, it was ascertained, that their loss had been very heavy, but the full extent of it was not known till it was disclosed at the treaty of Greenville. References were made to that battle, by several of the chiefs in council, from which it was manifest, that they had not, even then, ceased to mourn the distressing losses sustained on that occasion. Having made the attack with a determination to carry the Fort, or perish in the attempt, they exposed their persons in an

unusual degree, and of course, a large number of the bravest of their chiefs and warriors, perished before they abandoned the enterprise.

From the facts afterwards communicated to the General, it was satisfactorily ascertained that there were a considerable number of British soldiers and Detroit militia engaged with the savages, on that occasion. A few days previous to that affair, the General had sent out three small parties of Chickasaw and Choctaw Indians, to take prisoners, for the purpose of obtaining information. One of those parties returned to Greenville on the 28th, and reported, that they had fallen in with a large body of Indians, at Girty's town, (crossing of the St. Mary's,) on the evening of the 27th of June, apparently bending their course towards Chillicothe, on the Miami; and that there were a great many white men with them. The other two parties, followed the trail of the hostile Indians, and were in sight, when the assault on the post commenced. They affirmed, one and all, that there were a large number of armed white men, with painted faces, whom they frequently heard conversing in English, and encouraging the Indians to persevere; and that there were also three British officers, dressed in scarlet, who appeared to be men of distinction, from the great attention and respect which was paid to them. These persons kept at a distance, in the rear of the assailants. Another strong corroborating proof, that there were British soldiers and militia in the assault, is, that a number of ounce-balls and buck-shot were found lodged in the block-houses and stockades of the fort; and that others were picked up on the ground, fired at such a distance as not to have momentum sufficient to enter the logs.

It was supposed that the British engaged in the attack, expected to find the artillery that was lost on the fatal 4th of November, which had been hid in the ground and covered with logs, by the Indians, in the vicinity of the battle-field. This inference was supported by the fact, that dur-

ing the conflict, they were seen turning over logs, and examining different places, in the neighborhood, as if searching for something. There were many reasons for believing, that they depended on that artillery, to aid in the reduction of the fort; but fortunately, most of it had been previously found by its legitimate owners, and was then employed in its defence.

James Neill, a pack-horse man in the American service, who was taken prisoner by the Indians, during the attack, and tied to a stump, about half a mile from the fort, after his return, stated to the General, that the enemy lost a great number in killed and wounded; that while he was at the stump, he saw about twenty of their dead, and a great many wounded, carried off. He understood there were fifteen hundred Indians and white men, in the attack; and on their return to the Miami, the Indians stated, that no men ever fought better than they did at Recovery; and that their party lost twice as many men in that attack, as they did at St. Clair's defeat.

Soon after the battle, two Pottawattamies, captured north of the Miami of the Lake, and two Shawanees, taken twenty miles above the mouth of the Grand Glaise, were brought into camp and examined; from whose statements it appeared most evidently, that the British had been using every possible exertion, to collect the warriors of distant nations, by the most solemn promises, that they would march and co-operate with them, against the American army. The disclosures made by those prisoners, produced a belief, that the Spaniards had also been tampering with the savages, to the prejudice of the American cause. From those discoveries, it seemed to be a natural conclusion, that the legion would meet a very mongrel body, of various colors, in the vicinity of Grand Glaise, or at Roche de Bœuf, as the case might be.

The Pottawattamie prisoners, on their examination, which was on the 5th of June, stated, that they were

captured four days after they left their homes; that their nation, at the first of the last moon, received an invitation from the British, sent by a Delaware, a Shawanee, and a Miami chief, to join them, and go to war against the Americans. That those chiefs assured them, they had been sent for that purpose; that the British, about four hundred in number, with two field pieces, were then at Roche de Boeuf, on their way to war against the Americans; and that this was exclusive of the Detroit militia. They also said that a fortification had been made around Colonel McKee's house, at that place, in which they had deposited all their stores of ammunition, arms, clothing, and provisions; from which they promised to supply the Indians in abundance, provided they would join them and go to war.

They further stated, that the Chippewas, Wyandots, Shawanees, Ottawas, Delawares, and Miamies, assembled on the 1st of May, were about one thousand; that they were coming in daily, from all those nations, and that from the latest and best information received, and from their own knowledge of the number of warriors belonging to those nations, there could not be less than two thousand, then assembled; and that if the Pottawattamies had joined them, agreeably to invitation, the whole number would amount to upwards of three thousand. These warriors, they supposed, would be joined by fifteen hundred British troops and militia, according to the promise of Governor Simcoe. They also said, that the Indians intended to attack the legion, about the last of that moon, or the beginning of the next; that Governor Simcoe, the Great Man who lived at Niagara, sent for the Pottawattamies, and promised them arms, munition, provisions, and clothing, and every thing they wanted, provided they would join him; that he had sent them the same message during the preceding winter, and again on the first of the last moon.

They added, that he thanked them for their past services, and declared he would help them to fight, and ren-

der them all the service in his power—that all the speeches they had received from him, were as red as blood—that the wampum and feathers and war pipes and hatchets, were painted red—and finally, that their tribe had received four different invitations, from Governor Simcoe, to join in the war; the last of which was on the first of the last moon, when the Governor promised to join them, with fifteen hundred of his warriors.

The Shawanees, who had been captured on the 22d of June, stated that five moons had passed, since they left the Grand Glaise—that they belonged to a party of twenty, who had been hunting all the spring, on the waters of the Wabash, nearly opposite the mouth of the Kentucky river, and were on their return when taken—that about half their party had gone on before them, and the remainder were coming on slowly; hunting as they came—that they had stolen about fifty horses from the people of Kentucky, on Salt river, during the spring and summer—that they only killed one man, and took no prisoners—that the man was killed by a white interpreter, belonging to their party—that they themselves had five horses loaded with deer, and bear-skins, and jerked venison—that on their way in, they met with a party of four Indians, three of them Delawares and one a Pottawattamie, who were then on their way to Big Bone Lick, to steal horses—that this party informed them, that all the Indians on White river were sent for, to come immediately to Grand Glaise, where the warriors of several nations were assembled—that the chiefs were then in council, and would not let their warriors go out—saying, that they could not depend on the British for effectual support—that they were always setting the Indians on, like dogs after game; pressing them to go to war, and kill the Americans, but did not help them—and, that, unless they would turn out, they were determined to make peace; and not be any longer amused with empty promises.

They further stated, that the Shawanees had three hun-

dred and eighty warriors, who lived in the vicinity of Grand Glaise; and that they could bring into action about three hundred of them. Their great men, or Sachems, were: the Black Wolf, and Kikia-pi-la-thy, or Tame Hawk. Their principal warriors were Blue Jacket and Captain Johnny. They said further, that the Delawares had, at Grand Glaise, four hundred and eighty warriors—that there were actually in the action against General St. Clair, four hundred of that tribe—that the Miamies numbered about one hundred warriors living near the Grand Glaise; many of that nation having moved towards Post Vincennes, and the Mississippi—that the Wyandots never send into action more than one hundred and fifty warriors—that they themselves, lived along the lake, towards Sandusky, and did not know the number of the Pottawattamies, or of the other nations who would join in the war, should they determine to continue it—that the Chippewas would be the most numerous, and were then on their way to the council; but that war, or peace, depended on the conduct of the British. If they would help the Indians, it would be war; but if not, it would probably be peace. That the Indians would no longer be set on, like dogs to fight; unless the British would help them. That the British were at the foot of the Rapids, where they had fortified—that there were a great number of their soldiers at that place, who told the Indians they were come to help them fight, and that if they (the Indians) would generally turn out, they would join them, and fight the American army. Blue Jacket, they said, had been sent to the Chippewas and the northern Indians, to invite them to Roche de Bœuf, to join in the war.

CHAPTER VIII.

Gen. Wayne's campaign of 1794.—Battle of the 20th of August, at the foot of the Rapids.—Gen. Wayne's correspondence with the commandant of the British Fort.—Army return to Fort Defiance.—From thence to the Miami villages.—Fort Wayne built.—Kentucky volunteers discharged.—Residue of the army proceed to Greenville.—Note.—The number and tribes of the Indians engaged in the battle of the 20th of August.—Aid furnished them by the British.—Influence of British agents ascertained.

THE American army continued in their encampment, at Greenville, which was in reality a military school for both officers and soldiers, till about midsummer; when, having been joined by the mounted volunteers from Kentucky, arrangements were made for advancing into the Indian country. It had been apprehended that the heavy loss of pack-horses in the attacks at Fort St. Clair and Recovery, would retard the advance of the legion; but it was soon understood, that the General had made provision, in his arrangements, for such losses and contingencies, which he knew, from the nature of the service, were to be expected, and would unavoidably happen. There was therefore no embarrassment or delay produced by those disasters.

With a view of perplexing the enemy, in regard to his movements, the General made such demonstrations, before he took up his line of march, as would induce the savages to expect him to advance, either by the route of the Miami villages on the left, or in the direction of the foot of the Rapids on the right. Those feints produced the desired effect, by drawing the attention of the enemy to those routes, by which he was enabled to approach undiscovered,

by a central course, which was impracticable for an army, except in a very dry season.

By that expedient, though he halted at Girty's town, at the crossing of the St. Mary's, twenty-four miles in advance of Greenville, a sufficient length of time to build Fort Adams, on the bank of that stream, he was enabled to complete his march, unobserved, till he arrived almost in sight of Au Glaise, the great emporium of the enemy; of which he took possession on the 8th of August, without the loss of a single man. On the preceding evening the enemy abandoned their settlements and villages, with such apparent marks of surprise and precipitation, as convinced every body, that the approach of the legion was not discovered until a few hours before its arrival, when the fact was communicated by Newman, who deserted from the army at St. Mary's.

It was manifest that the defection of that villain enabled the Indians to save their persons by a rapid flight; leaving all their property to fall into the hands of the Americans. The extensive and highly cultivated fields, and gardens, which appeared on every side, exhibited the work of many hands. The margins of the beautiful rivers, Au Glaise and Miami, had the appearance of a continued village, for several miles above and below their junction. They were covered with extensive cornfields, and gardens, containing a great variety of vegetable productions.

The first duty of the General, after taking possession of the country, was to erect a strong stockade fort, with four block houses, by way of bastions, at the confluence of the rivers, which he named Fort Defiance.

It had been ascertained by the most recent intelligence, that the enemy were collected at the foot of the Rapids, in great force—that they had been joined by the Detroit militia, and a portion of the regular army; and that they had selected, for the contest, an elevated plain, near the foot of the Rapids, over which a tornado had recently

passed, and covered the ground with fallen timber, by which it was rendered unfavorable for the action of cavalry. This information, unpleasant as it was, did not excite any serious apprehension, or in the least degree cool the spirit and ardor of the troops. On the contrary, among the officers and privates, both of the legion and the mounted volunteers, there was but one aspiration heard, and that was to meet the enemy. Yet the commanding General, influenced by feelings of humanity, and anxious to prevent the consequences of the deadly conflict, which was about to commence, resolved, on his own responsibility, to offer the enemy a last overture of peace.

As they had every thing dear and interesting at stake, there was some reason to expect they would listen to overtures of a conciliatory character. Under that impression he sent to them an address, by a special flag, containing propositions of the most amicable nature; but couched in firm and fearless terms. He informed them that he was not only the Commander-in-chief of the army, but was a Commissioner Plenipotentiary of the United States of America, for settling the terms upon which a permanent and lasting peace might be made, with each of the hostile tribes, northwest of the Ohio; that the United States were actuated by the purest principles of humanity, and were desirous of showing them the errors into which bad, and designing men had led them.

He told them, that, although at the head of his army, he was in possession of their beautiful villages, and highly cultivated settlements, yet he was prepared to restore them, uninjured, to their former occupants; and therefore once more extended to them the friendly hand of peace; and invited each and all of the hostile tribes to appoint deputies to meet him without delay, between that place and Roche de Boeuf, to settle the preliminaries of a lasting peace; which would restore to them their lost possessions, and preserve them, and their distressed women and chil-

dren, from danger and from famine, during the approaching winter. That, although the arm of the United States was strong and powerful, yet they loved mercy and peace, more than war and desolation.

For the purpose of removing any apprehension of danger, to the deputies who might be selected to meet him, he pledged his sacred honor, and offered hostages for their safe return. He informed them that his flag was borne by C. Miller, an adopted Shawanee, who had been captured six moons ago, and a native Shawanee warrior, who had been taken prisoner two days before, and who would testify to the kindness shown to them, and to their people, who were prisoners at Greenville, consisting of five warriors and two women; but that if his invitation should be treated with insult, and the bearers of the flag be detained or injured, he would immediately order all those prisoners to be put to death, without distinction; although some of them were known to belong to the best families of their tribes.

The General exhorted them no longer to be deceived and led astray, by the false promises of bad white men, at the foot of the Rapids, who had neither the power nor the inclination to protect them. He urged them no longer to shut their eyes to their true interest and happiness, nor their ears to this last overture of peace. He entreated them, in pity to their innocent women and children, to meet him, and prevent the further effusion of their blood; in which event they should experience the kindness and friendship of the United States, and the invaluable blessings of peace and tranquillity. But should they choose the other alternative, their blood, and the blood of their women and children, would be on their own heads.

The works of defence at Defiance being completed, and the last propositions for peace, being unanswered by the enemy, the General published a manifesto, in which he declared with great solemnity, that he had exhausted all the means in his power, to obtain peace—that the United States

should no longer be insulted with impunity, and that in the approaching conflict, he committed himself and his gallant army, to the keeping of an all-powerful and just God.

On the next morning, 15th August, the legion moved forward towards the foot of the Rapids, where the British had a regular fortification, constructed on the most approved principles of modern military architecture, well supplied with artillery, and strongly garrisoned, in the vicinity of which, the fate of the campaign was about to be decided. On the 16th, the General met his flag, returning from the enemy's camp, with an evasive answer, for the purpose of gaining time.

On the 18th, the army arrived at Roche de Bœuf, and during the 19th, they were employed in making a temporary fort, for the reception of their stores and baggage; and in reconnoitering the position of the enemy, who were encamped on Swan creek, in the rear of the British fort, and behind a thick brushwood.

At eight o'clock on the following morning, 20th August, the army again advanced in column, agreeably to the standing order of march, to wit: The legion on the right, having its right covered by the river. One brigade of mounted volunteers on the left, under Brigadier General Todd, and the other in the rear under General Barbie. A select battalion of mounted volunteers, moved in front of the legion, commanded by Major Price, who was directed to keep sufficiently advanced, to give timely notice for the troops to form, in case of an attack. After advancing about five miles, Major Price's corps received so severe a fire from the enemy, secreted in the woods and high grass, as to compel them to retreat.

The legion was immediately formed in two lines, principally in a thick wood, which extended some miles on the left, and a considerable distance in front. The ground was covered with fallen timber, occasioned by a tornado, which passed over the country a year or two before, and rendered

it impracticable for the cavalry to act with effect, while it afforded the enemy the best possible protection in their mode of warfare. The savages were formed in three lines, within supporting distance of each other, and extended nearly two miles, at right angles with the river.

It was soon discovered, from the weight of the fire, and extent of their lines, that the enemy in front, were in possession of their favorite ground in full force, and were endeavoring to turn the American left. The General, therefore, ordered the second line to advance and support the first, with the whole of the mounted volunteers. He also directed Major General Scott, to gain and turn the right flank of the savages, by a circuitous route, and at the same time ordered the front line to advance—charge the Indians, with trailed arms, and drive them from their covert at the point of the bayonet; and as soon as they rose, to deliver a close and well directed fire on their backs, followed by a brisk charge, so as not to suffer them to load a second time. Captain Campbell, who commanded the legionary cavalry, was ordered to turn the left flank of the enemy, next to the river, which afforded a favorable field for that corps to act in.

All those orders were obeyed with spirit and promptitude, but such was the impetuosity of the charge, by the first line of infantry, that the Indians, Canadian militia, and volunteers, were driven from all their coverts in so short a time, that although every possible effort was made by the officers of the second line of the legion, and by Generals Scott, Todd, and Barbie, of the mounted volunteers, to gain their proper position, only a part of each could get up in season to participate in the action; the enemy having been driven in the course of one hour, more than two miles through the thick woods, by a force less than one-half of their own.

Their number was estimated at two thousand combatants; the troops actually engaged against them, did not

exceed nine hundred, yet the savages and their allies abandoned themselves to flight, and escaped in all directions, leaving the victors in full and quiet possession of the field of battle. The conflict terminated in sight of the British Fort, and, as it were, under the very muzzles of their cannon. After Captain Campbell had succeeded in turning the left flank of the Indians, their retreat through the woods was cut off, and they were compelled to take to the river, through an open prairie, which gave the cavalry a fine opportunity to show their skill and courage. In that flight, many of the savages were cut down on the prairie and in the river, into which they were pursued.

During the conflict, Captain Campbell, of the dragoons, being killed, and Captain Solomon Van Rensselaer of the same corps, being shot through the body by a ball, which entered the pit of his stomach, the command of that corps devolved on Lieutenant Covington, who cut down two savages with his own hand, when turning their left flank.

The bravery and good conduct of every officer belonging to the army, from the General down, merited, and received the approbation of the Commander-in-chief. There were some, however, whose duty and situation placed them in very conspicuous positions; among whom, were Brigadier General Wilkinson, and Colonel Hamtramck, the commanders of the right and left wings of the legion, who were noticed accordingly. In addition to these, the General paid a very high compliment to his gallant aids, De Buts, Lewis, and Harrison, and to the Adjutant General, Major Mills, each of whom had rendered the most essential service, by communicating his orders in every direction, and exciting and animating the troops, by their conduct and bravery.

Captains Lewis and Brock, and the companies of light infantry they commanded, had to sustain an unequal fire for some time, which they did with fortitude. The wounds

received by Captains Slough and Prior, and Lieutenant Campbell Smith, an extra aid to General Wilkinson, of the legionary infantry, and those received by Captain Van Rennselaer, of the dragoons, and by Captain Rawlins, Lieutenant McKinney, and Ensign Duncan, of the mounted volunteers, were reported, as bearing honorable testimony of their bravery and their conduct. In short, every officer and soldier who had an opportunity of coming into action, displayed that true bravery, which always insures success. Among the gallant dead who fell on that memorable day, Captain Campbell of the dragoons, and Lieutenant Towles of the infantry of the legion, who were killed in the first charge, were remembered and named with high praise.

From the return of the Adjutant General, it appears that the number of Americans killed on that occasion, including those who died of their wounds, was thirty-nine, two of whom were commissioned officers; and the number of wounded, one hundred, including seven commissioned officers.

The loss of the enemy was estimated at more than double the loss of the Americans. The woods were strewed, for a considerable distance, with their dead bodies, and the bodies of their white auxiliaries, armed with British muskets and bayonets. A large number fell on the prairie, in their attempt to gain the river, and several were cut down by the cavalry, and others shot, in the midst of the stream.

The army remained three days and nights, in front of the battle-field, during which time, all the houses and corn-fields were destroyed, for many miles, both above and below the Fort, and some within pistol-shot of it. The garrison thought it prudent to remain quiet spectators of the devastation and conflagration, not only of the improvements and property of the savages, but of the houses and stores of Colonel McKee, the British agent, and principal stimulator of the war then existing; although it was well

known, that those stores were the property of the British nation, sent to that place to sustain the Indians in their warfare against the United States.

During the time the army remained at the foot of the Rapids, after the battle, General Wayne, in company with three or four of his officers, including General Wilkinson and Lieutenant Harrison, approached the British Fort, and examined it critically, from different positions, on every side. He found it to be a regular military work of great strength, the front covered by a wide river, with five guns mounted. The rear, which was most susceptible of approach, had two regular bastions furnished with eight pieces of artillery, the whole surrounded by a deep ditch, with horizontal pickets projecting from the parapet over the ditch. From the bottom of the ditch to the top of the parapet, was about twenty feet perpendicular. The works were also surrounded by an abatis, and furnished with a numerous garrison; yet the General manifested a strong desire to storm it, and it was the opinion of those who were with him, that he sought to provoke the British commandant to some hostile step, that would have justified such a movement. The close inspection of the British Fort, by the American officers, led to the following correspondence between Major Campbell and General Wayne:

MAJOR CAMPBELL TO GENERAL WAYNE.

Miami River, Aug. 21st, 1794.

SIR: An army of the United States of America, said to be under your command, having taken post on the banks of the Miami, for upwards of the last twenty-four hours, almost within the reach of the guns of this Fort, being a post belonging to his Majesty, the King of Great Britain, occupied by his Majesty's troops, and which I have the honor to command, it becomes my duty to inform myself, as speedily as possible, in what light I am to view your making such near approaches to this garrison. I have no hesitation, on my

part, to say, that I know of no war existing between Great Britain and America.

I have the honor to be, Sir,

Your most obedient, and very humble servant,

WILLIAM CAMPBELL,

Major 24th Regiment, commanding a British Post
on the Bank of the Miami.

To Major General WAYNE, etc.

GENERAL WAYNE TO MAJOR CAMPBELL.

Camp on the banks of the Miami,
August 21st, 1794. }

SIR:—I have received your letter of this date, requiring from me the motives which have moved the army under my command, to the position they at present occupy, far within the acknowledged jurisdiction of the United States of America.

Without questioning the authority, or the propriety, Sir, of your interrogation, I think I may, without breach of decorum, observe to you, that were you entitled to an answer, the most full and satisfactory one was announced to you, from the muzzles of my small arms, yesterday morning, in the action against the hordes of savages in the vicinity of your post, which terminated gloriously to the American arms; but had it continued till the Indians, etc. were driven under the influence of the post and guns you mention, they would not have much impeded the progress of the victorious army under my command, as no such post was established at the commencement of the present war, between the Indians and the United States.

I have the honor to be, Sir,

Your most obedient and very humble servant,

ANTHONY WAYNE,

Major General, and Commander-in-chief of
the Federal Army.

To Major WILLIAM CAMPBELL, etc.

MAJOR CAMPBELL TO GENERAL WAYNE.

Miami Fort, August 22d, 1794.

SIR:—Although your letter of yesterday's date fully authorises me to any act of hostility against the army of the United States of America, in this neighborhood, under your command, yet, still anxious to prevent that dread-

ful decision, which, perhaps, is not intended to be appealed to, by either of our countries, I have forborne for these two days past, to resent the insults you have offered the British flag, flying at this Fort, by approaching it within pistol shot of my works, not only singly, but in numbers, with arms in their hands. Neither is it my wish to wage war with individuals, but should you, after this, continue to approach my post in the threatening manner you are at this moment doing, my indispensable duty to my king and country, and the honor of my profession, will oblige me to have recourse to those measures which thousands of either nation, may hereafter have cause to regret, and which, I solemnly appeal to God, I have used my utmost endeavors to arrest.

I have the honor to be, Sir, with much respect,

Your most obedient and very humble servant,

WILLIAM CAMPBELL,

Major 24th Regiment, commanding
Fort Miami.

To Major General WAYNE, etc. etc.

GENERAL WAYNE TO MAJOR CAMPBELL.

Camp, bank of the Miami,)
22d August, 1794. }

SIR:—In your letter of the 21st instant, you declare, "I have no hesitation on my part to say, that I know of no war existing between Great Britain and America." I, on my part, declare the same, and that the only cause I have to entertain a contrary idea, at this time, is the hostile act you are now in the commission of, i. e. by recently taking post far within the well known and acknowledged limits of the United States, and erecting a fortification in the heart of the settlements of the Indian tribes, now at war with the United States. This, sir, appears to be an act of the highest aggression, and destructive to the peace and interest of the Union. Hence it becomes my duty to desire, and I do hereby desire and demand, in the name of the President of the United States, that you immediately desist from any further act of hostility, or aggression, by forbearing to fortify, and by withdrawing the troops, artillery and stores, under your orders and direction, forthwith; and removing to the nearest post occupied by his Britannic Majesty's troops at the peace of 1783; and which you will be permitted to do unmolested by the troops under my command.

I am, with very great respect, sir,

Your most obedient, and very humble servant,

ANTHONY WAYNE.

Major WILLIAM CAMPBELL, etc.

MAJOR CAMPBELL TO GENERAL WAYNE.

Fort Miami, 22d August, 1794.

SIR:—I have this moment the honor to acknowledge the receipt of your letter, in answer to which I have only to say, that being placed here in the command of a British post, and acting in a military capacity only, I cannot enter into any discussion, either on the right or impropriety, of my occupying my present position. Those are matters that I conceive will be best left to the ambassadors of our different nations. Having said this much, permit me to inform you that I certainly will not abandon this post, at the summons of any person whatever, until I receive orders for that purpose from those I have the honor to serve under; or the fortune of war should oblige me. I must still adhere, sir, to the purport of my letter, this morning, to desire that your army, or individuals belonging to it, will not approach within reach of my cannon, without expecting the consequences attending it.

Although I have said, in the former part of my letter, that my situation here is totally military, yet let me add, sir, that I am much deceived if his Majesty, the King of Great Britain, had not a post on this river at and prior to the period you mention.

I have the honor to be, sir, with the greatest respect,

Your most obedient and very humble servant,

WILLIAM CAMPBELL,

Major 24th regiment, commanding at Fort Miami.

To MAJOR GENERAL WAYNE.

The only notice taken of this letter, was by immediately setting fire to, and destroying every thing of value within view of the fort, and even under the muzzles of its guns.

The object of the expedition to the foot of the Rapids, having been fully accomplished, the army returned by easy marches, to Grand Glaise, where they arrived on the 27th of August, laying waste on their route, the villages and corn-fields of the enemy, for about fifty miles on both sides of the river. There remained, however, several villages and a quantity of corn, on the Au Glaise and the Miami, above the junction, to be used or destroyed, as the subsequent movements of the army might render expedient.*

* The desire felt by Gen. Wayne, to ascertain as accurately as possible, the number of the enemy—the nations to which they belonged—the aid furnished them by the British—and the influence exerted by the agents of that

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nation, to prevent the Indians from entering into a treaty with the United States, induced him, after his return to Greenville, to examine at his leisure, the prisoners taken both before and after the battle; and also such other persons as were likely to have knowledge on that subject, and on whose veracity he could rely.

With that view, a Shawansee prisoner was examined, taken by Captain Wells near the foot of the Rapids, on the 11th of August, nine days before the battle. He stated that the first information received by the Indians of the advance of the army to the Au Glaise, was from a white man, who came in, of his own accord. He stated also that the Indians, at that time, were assembled at Col. McKee's—that the British were in a fort, about one mile below McKee's, on the north side of the river—and numbered when he was taken, about two hundred—that they had four or five great guns—that there were about six hundred warriors at McKee's, who had abandoned the Au Glaise on the approach of the army to that place; of whom, about one hundred were Shawanees, three hundred Delawares, one hundred Miamies, and about one hundred of other tribes—that in addition to those who were then at the foot of the Rapids, three hundred Wyandots, and two hundred and fifty Ottawas, were expected.

Being asked, what number of white men were to join them, and when, he answered: that Captain Elliott set out for Detroit six days before—that he was to be back in five days with all the militia and an additional number of regular troops, which with those already there, would amount to one thousand men—that, he said, was the general conversation among the Indians. He said also, that Captain Elliott promised them to bring that number, and that Colonel McKee's son, and the deserter from the American army, went with Elliott. On being asked when, and where, the Indians meant to fight the American army, he answered, "at the foot of the Rapids;" adding, that the white man who came in, told the Indians and Colonel McKee, that the army was destined for that place.

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John Bevin, a drummer in the 24th regiment, commanded by Colonel England, on his examination stated, that there were four companies of the 24th, at Fort Miami, averaging about fifty men, officers included—that there was a part of Governor Simcoe's corps in the garrison, with about sixty Canadians—that the whole number of men in the garrison, including officers, etc. exceeded

their winter quarters, after an arduous and fatiguing tour of ninety-seven days; during which they marched and counter-marched upwards of three hundred miles through the heart of an enemy's country, cutting a wagon road the whole way, besides erecting three fortifications, to wit: Fort Adams, at the St. Mary's; Fort Defiance, at Au Glaise; and Fort Wayne, at the Miami villages.

four hundred—that the number of Indians, Canadians, etc. engaged in the action, was at least two thousand, according to the report made by Colonel McKee and Captain Elliott, to Major Campbell, after the action—that there were four nine-pounders, two large howitzers and six six-pounders mounted in the fort, and two swivels—that the Indians were regularly supplied with provisions, by Colonel McKee, from the British magazine in the garrison—that a certain Mr. Newman, a deserter from the American army, arrived at Fort Miami, about eight days before the army made its appearance, and gave information to Major Campbell that the object of the Americans was to take that fort and garrison—that General Wayne told the troops not to be uneasy about provisions, for there was plenty in the British garrison—that Governor Simcoe was expected at that post every hour, in consequence of an express sent to Niagara after the arrival of Newman, the deserter, but had not arrived when he came away—that the distance from Fort Miami to Detroit was sixty miles, which was generally performed in two days—that the militia of Detroit and its vicinity, amounted to near two thousand—that he has seen a great number of wounded Indians pass the fort, but did not learn what number were killed—that the retreating Indians appeared much dejected, and much altered from what they were in the morning, before the action—that he knew one company of volunteers commanded by Captain Caldwell, who were all white men armed with British muskets and bayonets, and were in the action.

John Johnston, a deserter from General Wayne's army, who fought in the action on the 20th against the Americans, spoke of it as a complete defeat on the part of the Indians, who lost a great many men; but he could not tell the number—and further, that after the Indians were defeated, they wanted to take refuge in the British fort, but were refused admittance, and were greatly exasperated.

Other examinations were made to ascertain the strength of the enemy—the interference of the British, at and before the battle, and the efforts they were still making to induce the Indians to continue the war, and carry on a winter campaign—which went strongly to corroborate the facts previously stated.

CHAPTER IX.

Weakness of the American army.—Intrigues of the English agents with the Indians.—Communications to Gen. Wayne from Chiefs of different tribes.—His answers.—Proposals for a conference at Greenville.—The Shawanees propose to remove west of the Mississippi.

IN consequence of the continued fatigue and exposure of the campaign, during the most unhealthy season of the year, the sick list was greatly enlarged, and numbers were reported unfit for duty. In connection with this, the discharge of the mounted volunteers, and the expiration of the period of enlistment of many of the Legion, had so reduced and weakened the army as to produce serious apprehensions that the fruits of the brilliant campaign, then just terminating, were in jeopardy, and might be lost, should the enemy ascertain the true condition of the army, and resolve to carry on an active winter campaign. That such might be the case, was rendered probable, by information received through a channel entirely to be relied on.

The General was assured of the fact, that on the 30th of September, Governor Simcoe, Colonel McKee, and Captain Brandt, arrived at Fort Miami, at the foot of the Rapids, accompanied by a hundred Mohawk and Massasagoe Indians, and had sent for the chiefs of the different hostile tribes to meet them, and hold a treaty at the mouth of the Detroit river, eighteen miles below the town. He was also advised that Simcoe, McKee, and Brandt, with Blue Jacket, Buckongehelas, Little Turtle, Captain Johnny, and several chiefs of the Delawares, Miamies, Shawanees, Ottawas, and Potawattemies, had set out for the place assigned for the treaty, about the 1st of October.

He was also informed that the Indians were abundantly

and regularly supplied with provisions, from the British stores at Swan creek, near Lake Erie. That previous to the arrival of Governor Simcoe, Blue Jacket, with two of the chiefs of the Ottawas, and the principal chief of the Pottawattamies, had agreed to visit General Wayne, accompanied by the person who gave the information, who was a man of distinction and influence among the Indians, and whose personal safety required that his name should then be kept a profound secret; but that Blue Jacket informed him, after the arrival of Simcoe, that he would not go to Fort Wayne, as he had promised to do, till after the proposed treaty at the mouth of the Detroit river—that his wishes were still for peace—that he did not know what propositions Governor Simcoe had to make; but that he, and all the chiefs, would go and hear; and in the mean time, they desired him to enquire of General Wayne, in what manner the chiefs should come to him, and whether they would be safe, in case they should determine to do so, after the treaty with Simcoe was over. He further stated that had it not been for the arrival of Simcoe, McKee, and Brandt, with his Indians, he was confident the chiefs before-mentioned, would have accompanied him to head-quarters at the time before stated.

This interesting information was immediately communicated to the War Department, by the General, accompanied with strong intimations of fear, that through the influence of the Governor, and his co-adjutors, the negotiations then going on, at the mouth of the Detroit river, with the British agents, would result in an agreement on the part of the Indians, to carry on a winter campaign against the American posts; and that the proposed visit of Blue Jacket and his associate chiefs, to the American head-quarters, to treat for peace, would prove to be delusive. At the same time, the attention of the Secretary was called, in the most emphatic terms, to the reduced state of the army, and the

danger to be apprehended from that cause, should the British agents succeed in the efforts they were making to induce the Indians to renew the war.

He gave it as his opinion, that the chiefs were playing a deceptive game, and were determined to carry on the war, if they could be convinced that the British agents would sustain them, as they were then most solemnly promising to do. It was true, that no hostile attempt had been made by any of their parties, after the battle of the 20th, yet that might be ascribed to the fact, that the American detachments always moved superior to insult, rather than to any pacific or friendly feeling entertained by the savages.

Among the causes of the embarrassment experienced in the army, during the winter of 1794-5; the unfortunate death of Colonel Robert Elliott, the acting contractor, was mentioned in the official communications to the War Department. That valuable officer was killed by the Indians near Fort Hamilton, on the 6th of October, 1794, on his way from Cincinnati to the out-posts; which occurrence so increased the derangement of the Department he belonged to, as to render it necessary for the General to order the Quartermaster General to supply all omissions on the part of the contractors, at their expense, to be settled at the Treasury, at a future day.

While the army were in winter quarters at Greenville, the General was constantly receiving communications from chiefs of different tribes; some of a friendly, others of a hostile character. Among them was one from a chief at Sandusky, dated September 17th, which stated, that after the plan suggested by the General, for a settlement of difficulties, had been fully considered by his own tribe, they declined to decide on it, till it had been sent to their confederates at the Miami river, for their information and advice; who soon after returned the following answer:

"Elder Brothers: We have received your speech, in

which you say, 'that you are just on the point of sending speeches to the Americans.' We are happy you thought proper to let us know, what you were going to do. We now request you to drop that measure. You must not believe the Americans, for they only wish to decoy us into a snare, by the fine speeches they so frequently send us. Let us listen to what our Father says to us, as he is now arrived, and the Five Nations are coming to join us."

About the same time, the General received a speech from Tarkee, chief sachem at Sandusky, in which he entreated the Americans to listen to the chiefs and warriors of the Sandusky tribe, with whom intercourse had been suspended for a long time. He referred to the council and treaty made at Muskingum, with Governor St. Clair, in 1789, by which all matters in dispute were settled, and by which their chains of friendship were linked strong with ours. He approved of that treaty, and said that an evil spirit had been set in motion, against the good work then finished, by which, in a short time after, all things were thrown into such confusion, that a rupture had taken place between the United States and the Indians, which was then undecided. He spoke in warm terms of friendship, towards the United States, and in favor of a speedy peace.

On the 27th of September, a speech was sent to General Wayne, from a chief at Sandusky, whose name is not given; in which he requested the honor of communicating to him a few words, on a subject of the greatest importance to the United States and to the Indians. He said, that it was then more than five years since the commencement of the war, and he thought it was almost time to rest, and enjoy the remainder of life in the blessings of peace. It had always been the desire of his heart to live in peace. That he could not express the regret he felt for his countrymen, who were then in the utmost distress, and seemed to be threatened with a total extirpation, from their native soil, which was the most alarming event a human being could

contemplate. He asked, whom they had to blame for their misfortunes; adding, that the world knew.

He affirmed that he had exerted all his ability, with the chiefs and warriors, when they were assembled at that place, to create in them the same ideas that he himself possessed. If they went wrong, the charge of their ignorance could not be upon him. He complained of the injustice that had been done to his people; and appealed to the United States for protection; requesting that a garrison might be established at Sandusky, for the safety of his people, alledging that he had always acted with fidelity, and hoped to see the day, when he should convince his countrymen how far they had been wrong.

On the 3rd of November, a Wyandot chief thus addressed the General:

"Brother! I thank the Great Spirit that I have now an opportunity to see you. I have come to speak of peace. I live at Sandusky. We, Wyandots, wish for peace, and are determined to bury the hatchet and scalping-knife, deep in the ground. We pray you to have pity on us, and leave us a small piece of land to build a town upon. The Great Spirit has given land enough for us all, in this world, to live and hunt upon. We have looked all around us, for a place to move to, but cannot find any. We want to know your mind. Our people will all be assembled at Sandusky, when we return home.

"Brother! I have come to you in behalf of my father, and his little town. We are for peace, and intend to move to the head waters of Scioto. We are determined for peace, and come to tell you where we live, so that we may not be injured on account of bad Indians, should they continue to be hostile."

These speeches were responded to by General Wayne, in the spirit and temper which circumstances seemed to require. On the 4th of November, he sent the following speech to Tarkee, and to all the chiefs and warriors of the

Wyandots, and to all other tribes and nations of Indians whom it might concern.

"Brothers! I have listened with attention to the messages sent to me, and am rejoiced that the Great Spirit has at last opened your hearts and ears to the voice of peace; but am sorry that the Evil Spirit has been busy in attempting to prevent you from accomplishing that desirable object; yet I hope and trust, that your eyes are now opened, and that you will no longer suffer yourselves to be imposed on by the bad advice of those interested men, who have so often deceived you, and betrayed you into error, by fair and plausible, but false, promises of assisting you to fight against the fifteen fires of the United States.

"I have already told you, that those people had neither the power nor the inclination to protect you—the truth of which you have fully experienced.

"Brothers! You request me to bring forth from the bottom of my heart, my sentiments respecting a definitive treaty of peace; and upon what terms. The enclosed copies of my speeches, addressed to you and all the other hostile tribes of Indians, will best demonstrate the sincerity and wishes of my heart; and show the pains I have taken to bring about a happy peace, and prevent a further effusion of human blood.

"Brothers! I now call upon you to open your hearts and ears, and exert every power of attention to what I shall say. It is close upon six years since the sachems and warriors of the Wyandot, Delaware, Ottawa, Chipewas, Pottawattamie, and Sac nations, concluded a treaty at the mouth of the Muskingum, with General St. Clair, for removing all causes of controversy, and for settling boundaries between the aforesaid tribes of Indians, and the United States of America. That treaty appeared to be founded upon principles of equity and justice; and to have been clearly and fairly understood, and satisfactory to all parties, at that period; being the same which you have

recognised and recapitulated, in your speech to me. I therefore propose it as a preliminary, or foundation, upon which a permanent and lasting peace shall be established, between the United States of America, and your nation, and the other nations of Indians. Should you have any well grounded objections to this proposition, come forward and speak your minds freely, in the manner mentioned in my speech, of the 12th of September last; and rest assured of a sincere welcome, and the most perfect security to yourselves and friends, both in coming to this place, and returning home, when most agreeable to you."

On the 5th of November, the General replied specially to the letters of Tarkee and other Wyandot chiefs delivered to him at the Miami village, shortly before; in which he commended the part they had taken, to bring about a peace between the United States and the hostile tribes; and exhorted them to continue their influence to accomplish that good work; with an assurance that they should be liberally rewarded for their fidelity and trouble. He referred them to his speech of the 4th, in which he proposed the treaty made at Muskingum, on the 9th of January, 1789, as a preliminary, or foundation of a permanent and lasting peace.

He reminded them, that a duplicate of that treaty had been delivered to the Wyandots, and was probably then in their possession; but as they had attended the making of it, they were well acquainted with the principles upon which it was founded. He also stated his belief, that his speech to the hostile Indians, of the 12th of September, preceding, was in a great part suppressed, by some of the bad white people, at the foot of the Rapids; in consequence of which, he then sent them a copy of it, as also of his speech of the 13th of August, which he requested them fully and clearly to explain to their people. He also invited them to come to Greenville, immediately, where matters could be better and more fully understood; and he pledged his

sacred honor for the safe return of themselves, and all such chiefs and warriors, as might accompany them. In the close he expressed an ardent wish that the Great Spirit might incline their hearts and minds to peace; and that he and they might soon have a happy interview.

On the 10th of November, a confidential communication was sent to General Wayne, at Greenville, from the Wyandots, by a chief who came as a flag, and whose personal safety made it necessary to suppress his name. The communication was in writing, and stated the following facts:—That his tribe were determined for peace,—that the chiefs were prevented by the British agents, Simcoe, McKee and Brandt, from coming forward at that time, as they found it expedient, to send one or two of their number to the proposed treaty of the British, at the mouth of the Detroit river, where they had already gone. That Captain Brandt insisted on their making one more desperate effort, in which the Six Nations were determined to join them.—That he had come with a chosen body of his own warriors, and would wipe the tears from their eyes.

He exhorted them to keep a good heart, forget their late disaster, and look forward to better fortune and success, assuring them that their father, the king, would assist them with his warriors, who were then advancing to join them; and that they must come to the treaty at Roche de Boëuf, and hear what their father, Governor Simcoe, had to say to them. A message to that effect, was sent by Patterson, a Mohawk, and principal chief under Brandt.

The communication also stated, that three of the principal war-chiefs of the Wyandots, belonging to the same town, who had always been for war, were killed in the battle of the 20th of August, and that the principal chiefs then surviving, were anxious for peace. It further stated, that the first intelligence of the advance of the army towards Au Glaize, was received by the Indians from Newman, a foreigner, who deserted from St. Mary's, when the

troops were on their march;—that he was not captured by the Indians, but went to them voluntarily, to give information of the advance of the army;—and that the Indians would have been completely surprised, at Grand Glaise, but for the arrival and information given them by that deserter.

It was further stated, that the Shawanees appeared determined to remove to the west side of the Mississippi,—that more than a hundred of their warriors were then hunting on the head waters of the Miamies of the Ohio, and of the Scioto, who intended to disperse about Christmas, and steal as many horses as would be necessary to carry them and their families to the Mississippi, where several of their nation, and many of the Delawares, were already settled; and that those nations, it was believed, would remove, rather than make peace. It was also stated, that the Indians, by that time, had heard the proposals of the British, and the Six Nations, with regard to assistance and support, and would determine for peace or war, according to the certainty or uncertainty of the promised support.

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With that view, a Shawanoe prisoner was examined, taken by Captain Wells near the foot of the Rapids, on the 11th of August, nine days before the battle. He stated that the first information received by the Indians of the advance of the army to the Au Glaize, was from a white man, who came in, of his own accord. He stated also that the Indians, at that time, were assembled at Col. McKee's—that the British were in a fort, about one mile below McKee's, on the north side of the river—and numbered when he was taken, about two hundred—that they had four or five great guns—that there were about six hundred warriors at McKee's, who had abandoned the Au Glaize on the approach of the army to that place; of whom, about one hundred were Shawanees, three hundred Delawares, one hundred Miamies, and about one hundred of other tribes—that in addition to those who were then at the foot of the Rapids, three hundred Wyandots, and two hundred and fifty Ottawas, were expected.

Being asked, what number of white men were to join them, and when, he answered: that Captain Elliott set out for Detroit six days before—that he was to be back in five days with all the militia and an additional number of regular troops, which with those already there, would amount to one thousand men—that, he said, was the general conversation among the Indians. He said also, that Captain Elliott promised them to bring that number, and that Colonel McKee's son, and the deserter from the American army, went with Elliott. On being asked when, and where, the Indians meant to fight the American army, he answered, "at the foot of the Rapids;" adding, that the white man who came in, told the Indians and Colonel McKee, that the army was destined for that place.

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On the 28th of August, Antoine Lassell, captured in the action of the 20th, was examined. He was a native of Canada, and a volunteer in Captain Caldwell's company of refugees; friends and allies of the hostile Indians. He stated, that he had resided twenty-nine years in Upper Canada—twenty-one

On the 14th of October, the mounted volunteers marched from that place on their way to Fort Washington; where General Scott was instructed to muster and discharge them. In a few days after, the General, leaving a sufficient garrison at Fort Wayne, proceeded with the skeleton of the legion to Greenville. They reached that spacious encampment on the 2d of November, with a view of making it

of which he had passed at Detroit, and on the Miami river; and that he had constantly traded with the Indians—that he resided at the Miami villages, nineteen years before Harmar's expedition; during which time he kept a store at that place, and used to supply the traders with goods—that he has since chiefly lived on Bean creek, at the Little Turtle's town—that having lived, so long, among the Indians, he was perfectly acquainted with the tribes and their numbers—that the Delawares had about five hundred men, including those who lived on White river and Bean creek—that the Miamies were about two hundred warriors; part of them on the St. Joseph's, eight leagues from Au Glaire—that the men were all in the action; the women having been left at that place—that the number of warriors belonging to that place, when all together, amounted to about forty—that the Shawanees had about three hundred warriors—the Ottawas, on that river, two hundred and fifty—and the Wyandets, about three hundred—that those Indians were, generally, in the action of the 20th, excepting some hunting parties—that a reinforcement of regular troops, and two hundred militia, arrived at Fort Miami, a few days before the American army appeared—that the regular troops, within the fort, amounted to two hundred and fifty, exclusive of the militia—that about seventy of the militia, including Captain Caldwell's corps, were in the action—that Colonel McKee, Captain Elliott, and Simon Girty, were in the field; but at a respectful distance, and near the river—that Colonel McKee's existence then depended upon the exertion he could make, to retrieve the loss, and the disgrace of the Indians—that he would use every exertion and influence in his power, to raise the distant nations, to come forward immediately and assist in the war. That, should they not be able to collect a sufficient force, to fight the American army, their intention was to move on the Spanish side of the Mississippi, where part of their nations then lived—that Blue Jacket told him, he intended to move to Chicago, or the Illinois—that the Indians had wished for peace for some time, but that Colonel McKee always dissuaded them from it, and stimulated them to continue the war.

John Bevin, a drummer in the 24th regiment, commanded by Colonel England, on his examination stated, that there were four companies of the 24th, at Fort Miami, averaging about fifty men, officers included—that there was a part of Governor Simcoe's corps in the garrison, with about sixty Canadians—that the whole number of men in the garrison, including officers, etc. exceeded

at present. You will be supplied with provisions, and some drink, to refresh you and to make your hearts glad."

On the 21st of June, Buck-on-ge-he-las, with a party of Delawares, and Asi-me-the, with a party of Pottawattamies, arrived, and were received in the council house.

Te-ta-boksh-ke, the Delaware king, on behalf of his people, addressed the General as follows:

"*Brother!* listen! We are here met by permission of the Great Spirit. Our forefathers used soft cloths to dry up their tears,—we use this wampum, and hope, by its influence, to do away all past misfortunes. We have now opened our eyes and our ears, and hope to settle all difficulties."—[A white string.]

Asi-me-the, a Pottawattamie chief, spoke as follows:

"I have nothing to observe. Our grandfathers, the Delawares, have said what is necessary. Excuse my not presenting you with wampum. Why should we, elder brother, be of a different opinion from our grandfathers, the Delawares? The Great Spirit has been equally kind to us in this meeting. You see us all here. You sent for us. The remainder of us are dead, or incapable of coming to see you. In compliance with your requisition for the surrender of prisoners, and as a proof of our sincere wishes for peace, I now present you two;—all who are in our possession."

The General rose and spoke thus:

"*Brothers!* I take you all by the hand, and welcome you to Greenville. The great council-fire has already been kindled, and the calumet of peace has been smoked, by the different nations who are here. This old chief, Te-ta-boksh-ke, has witnessed, and joined in the solemn act, in the presence of the Great Spirit.

"We have raked up the fire, until the chiefs generally assemble. Last night, I had accounts from the Wyandots of Sandusky and Detroit, and all the Indians in that quarter. This day they rise upon their feet to come and join

in council with us. The roads being all clear, they will arrive without difficulty in ten days. We will then add fresh wood to our fire, whose pure flame shall be seen from the rising to the setting sun. We will postpone entering on business, until that period. In the mean time, I will give you, my brothers, what will make your hearts glad. I have already given wampum to all the tribes present. I now present you, with a little more, to evince that my mind and heart are always the same." [Wampum.]

On the 23d of June, Le Gris, the Little Turtle, and seventeen Miamies arrived and were presented.

Le Gris merely observed, that he was very happy to see the General; that he had nothing particular to say at that time. He wished to encamp, and prepare for bad weather, and added, that the Miamies were united with him in friendly sentiments and wishes for peace.

The General said in reply: "I feel much satisfaction in taking you all by the hand. My pleasure is equally great with yours, in this interview. The council fire was kindled in this house, on the first day of this moon. We covered it up, and have preserved it clear, waiting for your arrival, and the appearance of our brothers, the Wyandots, Shawanees, and a part of the Five Nations, among us; they are now three days on their way hither. I will not detain you; you must require rest, and I will order you to be provided with proper refreshments. This belt testifies the sincerity of the welcome with which I receive you." [A belt.]

On the 25th of June, the Indian chiefs present were assembled. The General thus addressed them:

"*Brothers!* I take you all by the hand. I have invited you to this meeting, to inform you of some measures I have taken, for your convenience. I now give you up my exterior redoubts, to accommodate the different nations with council houses. My people have all come in from them, and you will allot them among you, as you may think proper. I take this opportunity to make you ac-

quainted with some customs we observe. On firing the evening gun, all our men repair to their quarters. I wish your people to act in the same manner. I am persuaded you will perceive the propriety of this measure. If you find any of my foolish young men troubling my camp after that signal, I will thank you to tie them, and send them to me. I wish to preserve good order and harmony.

"I will now explain what yesterday might have had a strange appearance. It is a standing rule, in all our armies, upon any alarm, or accident, whatever, for our warriors to repair, instantly, to their posts. I mention this to you, to prevent, for the future, any misapprehensions. It is by my invitation you are here; and I stand pledged for your safety and security. It is also our practice to parade our men morning and evening, and call every man by his name. An accident occurred yesterday, in the explosion of some of our fire-works. It will have no other effect than to delay for a few days the exhibition intended for the 4th of July, the anniversary of the independence of America. I have nothing more to mention to you at this time. I call you together merely to acquaint you with these things, to repeat my sentiments of regard, and my care for you; and to assure you, again, that you may rest as easy, and are as safe here, as if you were in your own villages. The council-fire remains covered till the arrival of the rest of our brothers. General Washington and his great council have sent you large presents; the arrival of which I expect about the same time. Your friends *Onas*, the Quakers, have also sent you a message, and some small presents, as a token of their regard for you."

Mash-i-pi-nash-i-wish, or Bad Bird, a Chippeway chief, rose and said:

"*Elder Brother!* I thank you in the name of all the Ottawas, Chippeways and Pottawattamies, for what you have this day told us. It is all very right and good."

The Delawares signified their concurrence in opinion, with their grand-children, the Chippeways.

The General then rose and said: "I have never yet, in a public capacity, told a lie. You will not be deceived by placing the utmost confidence in what I shall tell you. I again repeat, that your own towns and villages could not afford you greater liberty, safety, and security, than you will enjoy, while you choose to remain with me."

Meeting adjourned.

On the 26th of June, thirty-four Chippeways and Pottawattamies arrived. Mi-chi-mang, a Pottawattamie, said to the General, that as soon as they heard his words, they rose to come and see him. He said they had no old chiefs, or they would have come, on this great occasion—"they are all dead." He further observed that they came in expectation of being supplied with provisions to refresh them after their fatigue.

On the 30th of June, the chiefs were assembled at their own request. Le Gris, chief of the Miamies, addressed the General as follows:

"*Brother!* I have come this day only to see you. The other chiefs present have no other object than to partake of the same pleasure. I hope every thing hitherto has been satisfactory to you. I now express our perfect satisfaction.

"Our young warriors are glad to meet and see you and your warriors, and I hope no suspicions have existed with either. You have told us we should share your provisions, whilst we staid with you; and in consequence, we depend on receiving what you have promised. The chiefs present are all happy in the belief of their perfect safety; and I am persuaded, the other chiefs, when they arrive, will be equally satisfied with their situation. When brothers meet, they always experience pleasure. As it is a cool day, we hope you will give us some drink. You promised

to treat us well, and we expect to be treated as warriors. We wish you to give your brothers a glass of wine; and we should like some mutton and pork, occasionally. I hope you are pleased with this visit."

New Corn, a Pottawattamie chief, rose and said,

"I agree perfectly in sentiment with my brother Le Gris. I hope you will comply with his request. Our hearts are sorry and afflicted, to see the graves of our brothers, who fell here last winter."

The Sun, a Pottawattamie chief, rose and said,

"When I came to your house, you told me I should have what I wanted. We get but a small allowance—we eat it in the morning, and are hungry at night. The days are long—we have nothing to do—we become uneasy, and wish for home."

The General answered thus:

"I am pleased to see you all here, and happy to find you think yourselves secure in this camp. I wish you to think yourselves perfectly at home. The chiefs who are on their way, I am persuaded, will also think themselves safe when they arrive. They are now ten days on their journey towards us, and we may, with certainty, expect them. I have received a speech from their nations to that effect. Blue Jacket comes by the Miami villages. The others may arrive by a different route.

"You say, that when you came here, I promised you plenty; it is my wish and intention that you should have enough. *The Sun* alone complains of scarcity. I wish you to consult together, generally, and let me know if you really do not now receive enough. Pork, we have none. The few sheep we have, are for the comfort of our sick, and occasionally for our officers. Your sick shall most cheerfully share with mine, and I will, with pleasure, share with your chiefs. New Corn has observed, that your hearts were troubled for the loss of your brothers who died here

last winter. Grief is unavailing, and ought not to be indulged. I will give the chiefs of each nation present, a sheep for their use, and some drink for themselves and their people, this afternoon, to make their hearts glad, and to dry up their tears. At present we will have a glass of wine together—I wish to see you all happy and contented.” Council then adjourned.

On the 3d of July, the General addressed the Chiefs as follows:

“Brothers! I take you all by the hand, with that strong hold with which brothers ought to salute each other. Tomorrow will be the anniversary of the day which gave peace, happiness, and independence to America—to-morrow all the people of the fifteen fires, with shouts of joy, and peals of artillery, will celebrate the period which gave them freedom. Nineteen times have the United States already hailed the return of that auspicious morn. Tomorrow we shall, for the twentieth time, salute the return of that happy day, rendered still more dear by the brotherly union between the Americans, and the red people. Tomorrow, all the people within these lines will rejoice. You, my brothers, shall also rejoice in your respective encampments.

“I call you together to explain these matters. Do not therefore be alarmed at the report of our big guns. They will do no harm—they will be the harbingers of peace and gladness, and their roar will ascend into the heavens. The flag of the United States, and the colors of this Legion shall be given to the wind, to be fanned by its gentle breeze, in honor of the birth-day of American freedom. I will now show you our colors, that you may know them to-morrow. Formerly they were displayed as ensigns of war and battle; now they will be exhibited as emblems of peace and happiness. This eagle, you see, holds his arrows close, while he stretches forth, as a more valuable offering, the olive

branch of peace. The Great Spirit seems disposed to incline us all, for the future, to repose under its grateful shade, and wisely enjoy the blessings which attend it."

Mash-i-pi-nash-i-wish, chief of the Chippeways, rose and addressed the General thus :

"*Elder Brother!* I have heard your words, and have received great pleasure from them. I never make long speeches; what I have to say, I say in a few words. Look at your warriors around you, and view ours. Does it not give you pleasure to see us all met here in brotherly love?

"*Elder Brother!* You may believe what I say, and what I am going to say. As we are here on good business, our hearts must dictate what our tongues express. The Great Spirit knows when we speak truth, and punishes falsehood. As you have told us, we are to rejoice: I have a favor to ask of you, compliance with which will prepare our hearts for the occasion. We would wish to rescue from death, two of your young warriors, whom we brought in to you, who, as we hear, are to die. I entreat you in the name of all present, to spare their lives, and pray you to indulge us in this request." [A white and blue string.]

Te-ta-boksh-ke, king of the Delawares, thus spoke :

"*Elder Brother!* I thank you for having kindly explained to us what will take place to-morrow. Our young men shall all be informed of it. We thank you for your attention to us. We will sincerely rejoice on the happy occasion."

The General replied :

"*Brothers!* I have heard your words, and will answer you presently. As I never speak without deliberation, you may depend on what I say.

"*Brothers!* I have considered your request, respecting the two warriors condemned to die. I will now answer you. The two men condemned to death, are not those whom you brought to me; but two very bad men from another quarter. I desired this good man," (Dr. Jones, the Chaplain,) "to pre-

pare the minds of these men for the awful change they are about to experience. We put no man to death, without giving him time to repent, and to whiten his heart. The lives of the two men whom you brought in, although very culpable, are now granted to your humane entreaties. That you may all remember that the Americans rejoice to-morrow, and on every succeeding anniversary of it, I present each nation with a string of white wampum. We will now retire and hope to-morrow's dawn may be propitious." [Wampum.]

On the 4th of July, A-goosh-a-way, and twenty-three Ottawas, from the vicinity of Detroit, arrived and had audience. The General addressed them:

"*Brothers!* I take you all by the hand. I am happy to see you. You must be hungry and dry. I will order you refreshments to make your hearts glad. The hearts of your brothers are also made glad this day. I will no longer detain you from taking that repose of which you seem to stand in so much need. I deliver this string as a proof of my happiness in seeing you." [A white string.]

A-goosh-a-way spoke as follows:

"*Brother!* Those nations who are now represented at this meeting, are probably all you may reasonably expect. As for the Shawanees and Wyandots of Detroit, I do not believe they will come. I frequently told them they ought to advance without hesitation; but they still continue irresolute, and hover around their enemies, the British. I cannot discover the motives which actuate the Wyandots. The Six Nations sent two letters, prevailing on me to await their junction; but finding they delayed, and suspecting their sincerity, I came away without waiting long for them."

July 9th. In council—Present, the chiefs of the Delawares, Ottawas, Chippeways, Pottawattamies, Miami and Wabash tribes.

The General rose and addressed them as follows:

"*Younger Brothers!* I take you all by the hand, and welcome you to this council-fire. Viewing the number of nations who last winter signed the preliminary articles, I perceive all are present, except the Wyandots of Sandusky, and the Shawanees. It is now twenty-five days since the council-fire was kindled at this place. It has continued to burn bright; and it has happily dissipated the clouds, which have hung over the people of Sandusky. They now see that the sky is clear and serene: that the roads are open, and free of thorns. Four runners arrived from them last evening, to announce to me, the near approach of all the chiefs of the Wyandots, and others of Sandusky. The intelligence which these messengers have brought me, is this: that the dark cloud which enveloped the Shawanees, in the neighborhood of the British posts, (for that, my brothers, is a very cloudy place,) has also been dispelled; that they have, at length, awoke from their intoxicated slumber, and are now on their feet, coming to this place. They, and the Wyandots, etc. of Sandusky, may be expected to arrive here, in the course of three days. The question then is: shall we now name the day, on which to begin the great and good work, or shall we wait the arrival of those chiefs, and have their united voice on the subject. This is all I shall propose at present, until I hear your respective opinions."

The Little Turtle made some remarks to the other chiefs, on the General's speech, and gave them some reasons why the fixing of the day should be postponed.

A-goosh-a-way, an Ottawa chief, rose and said:

"*Elder Brother!* I am much obliged to you for requiring our opinions on this matter. 'Tis true, as the Little Turtle has observed to us, that we have been here a long time waiting; but it will be best to remain contented a few days longer, that we may begin the good work all together. I now present you our pipe, and hope that you and your warriors will smoke it.

"*Elder Brother!* You see that all your chiefs, as well as

ours, have smoked out of this calumet of peace; and the Great Spirit is well pleased to see it. The calumet does not now speak; it remains silent, until the arrival of our brothers, who are on their way."

The General rose and said:

"*Younger Brothers!* Twenty-five days ago, the calumet of peace, of the fifteen fires, of the United States, was smoked in this house. It did not then speak; and it yet remains silent. I am pleased to hear you all concur in opinion, with the Little Turtle, that we should wait the arrival of our brothers, the Wyandots and Shawanees. I therefore propose that we shall meet again at this place on Monday next."

[A white string to each nation present.] Council adjourned to Monday the 13th.

On Monday, July 13th, at the request of the Wyandot chiefs, who arrived on the 12th, and others, the meeting proposed for that day, was postponed until Wednesday the 15th, some necessary regulations among them not having been decided on.

CHAPTER XI.

Commencement of the negotiations in full council.—Introductory speech of General Wayne.—Speeches of the Chiefs of the different tribes.—Progress of the negotiations.

ON Wednesday, July 15th, the Council assembled agreeably to adjournment. Present, the chiefs of the Wyandots, Delawares, Ottawas, Chippeways, Pottawattamies, Miamies, and Wabash tribes. The council being opened, and the council-fire uncovered, interpreters were sworn in; after which the General addressed the Indians thus:

"Younger Brothers! These interpreters whom you have now seen sworn, have called the Great Spirit to witness that they will faithfully interpret all the speeches made by me to you, and by you to me; and the Great Spirit will punish them severely hereafter, if they do not religiously fulfil their sacred promise.

"This is the calumet of peace of the fifteen fires of the United States of America. I shall first present it to *The Soldier* (Wabash tribe) who first took us by the hand, as I do not know yet which nation among you is in future to have the precedence. The next were the Wyandots, who came forward last fall, early; the next were the Ottawas, Chippeways, Pottawattamies, and Sauckeys; and the next were the Delawares.

"Younger Brothers! All the chiefs and warriors of the different nations present! I now take you all by the hand. It was my wish to have waited for the arrival of the Shawanees, Wyandots of Detroit, and some Chippeways, who, I learn, are on their way; but as it is the desire of the chiefs

present, to commence the business generally, I will now show them by what authority I hold this treaty.

"Treaties made by all nations on this earth, ought to be held sacred and binding, between the contracting parties; hence, it is the practice, to commission certain persons with powers to make and conclude stipulated articles of treaties accordingly. These books contain treaties which have been held with all the Indian nations, in North America, and show what has been said and done at each, without the smallest alteration. In the first place, this is a commission, appointing me Commander-in-chief of the American Legion, presented to me by General Washington and the fifteen fires, three years since. On the 4th day of April, 1794, I received a commission from the same authority, for settling a peace with all the tribes of Indians north-west of the Ohio." (Here the General read the renewal of his powers as Commissioner, to treat with the Indians.)

"Having thus produced my authority, given me by General Washington, and the fifteen fires, I will now proceed to review the preliminary articles, which we mutually entered into and exchanged, during the past winter.

"*Younger Brothers!* Open your ears, and listen to the question asked me by the Wyandots of Sandusky, on the 26th of September last. This was the voice of the Wyandots and other tribes of Sandusky. '*Brother!* Bring forth from the bottom of your heart your sentiments respecting making a definitive treaty of peace, and upon what terms. We shall deliver our prayers daily to the Great Spirit above, our Maker, that he will open your heart and sentiments to us.' This was a strong and serious question, upon which the happiness of the United States and the Indian nations mutually depended. The answer made to that question required some explanations which are tedious, and do not seem at present necessary to be repeated; but I will read that part which explains the principles upon which a peace could take place.

“*Brother!* You desire me to bring forth from the bottom of my heart, my sentiments respecting a peace, and upon what terms it could be obtained.

“*Brother!* I now call upon you to exert your utmost powers of attention, and listen to what I shall say to you. It is now near six years, since the chiefs of the Wyandots, Delawares, Ottawas, Chippeways, Pottawattamies and Sac nations, concluded a treaty at the mouth of the Muskingum, with Governor St. Clair, for removing all causes of controversy, and settling the boundaries between them and the United States. That treaty appeared to be founded upon principles of equity and justice, and to be perfectly satisfactory to all parties at that time. I therefore propose that treaty as a foundation for a lasting treaty of peace, between the United States and all your nations of Indians. Should you have any well grounded objections to these principles and to this proposition, come forward and speak your minds freely; and rest assured of a sincere welcome, and safe conduct, in coming hither and returning to your homes, from your friend and brother, ANTHONY WAYNE.’

“This was my answer to the Wyandots. They are here present, and can testify to the truth of it. In consequence of this answer, the Ottawas, Chippeways, Pottawattamies, Saukeys, Miamies, Delawares, and Shawanees, came forward and signed these preliminary articles, of which you have all, respectively, copies. Having now shown you that I stand here in the place of General Washington, and represent the fifteen fires of America, and having shown the manner in which this happy meeting came about, by an application, first from the Wyandots, whose good example was followed by the other nations, I shall forbear to say more, as the day is far spent, but to request you to consider what I have said.

“*Brothers!* I wish you all clearly to understand that we have progressed so far in the good work, as to explain these preliminary steps. I would advise you to appropri-

ate two or three days, to revolve, coolly and attentively, these matters, and those which will naturally follow them. I take you all by the hand. We will now rake up the council-fire, and as we have talked a long time, we must be dry, and have a little drink." Council adjourned.

Saturday, July 18th. In council. Present as before. The Little Turtle, a Miami chief, addressed the General as follows :

"*Brother!* We have heard and considered what you have said to us. You have shown, and we have seen, your powers to treat with us. I came here for the purpose of hearing you. I suppose it to be your wish that peace should take place throughout the world. When we hear you say so, we will be prepared to answer you. You have told me that the present treaty should be founded upon that of Muskingum. I beg leave to observe to you, that that treaty was effected, altogether, by the Six Nations, who seduced some of our young men to attend it, together with a few of the Chippeways, Wyandots, Ottawas, Delawares, and Pottawattamies. I beg leave to tell you, that I am entirely ignorant of what was done at that treaty. I hope those who held it, may give you their opinions, whether or not, it was agreeable to them."

The Sun, a Pottawattamie chief, rose and said :

"*Brother!* The Master of Life had pity on me when he permitted me to come and take you first by the hand. With the same hand and heart I then possessed, I now salute you. When I gave you my hand, you said 'I thank you, and am glad to take your hand, Pottawattamie,' and you thanked the other Indians also, and told them you had opened a road for them to come and see you. When I got this belt from the Americans, they told me the roads were open and clear, and that no obstruction should prevent our coming to see you. I was happy when you gave me the road" [a belt,] "and so are we all, for we have all traveled it. I hope it will remain free of bushes and thorns, as long

as Americans and Indians live. You yourself, have told me it should be so, and that this (meaning the olive branch, held by the eagle) was a leaf of that great tree, under whose shade we, and all our posterity, should repose in safety and happiness.

"*Elder Brother!* We have followed the road you gave us, in safety. I now present it to your view, as your gift," [presenting a road-belt, with the eagle of the United States attached.]

Mash-i-pi-nash-i-wish rose and said,

"*Brothers of the different nations present!* Listen to what our elder brother tells us, with attention. I am satisfied it is the truth,—Listen to me also, elder brother! Last winter I heard your words, when you stretched your hands to us, and asked us to come and see you. I never heard before, what *The Sun* has been observing. When I heard what you said last winter, I took you by the hand, and now, when I returned, I found your gates open to receive me, and that you told me truth. I was then deputed by the chiefs of my nation, to hear your words, and am happy that they are now convinced of the truth of them. You now also find the truth of my words: that I then came only to carry back your words, and the other chiefs would come to see you. You now see them present, the representatives of their nations. Here are the chiefs of the Ottawas, Chippeways, and Pottawattamies. We three are faithful allies, and one of us speaks for the whole, when in council. The words you spoke last winter, are fresh on my memory. I know nothing of the treaty in question, which took place at Muskingum. The people who made it are present, and will be able to speak to it. My remote situation, on Lake Michigan, prevented me from being acquainted with it."

Tar-kee, or Crane, chief of the Wyandots, rose and said:

"*Brothers of all nations present, listen!* Elder brother! I don't think it proper to select any particular nation, to speak for the whole. You have kindled the council-fire.

I wish you to determine what nation shall speak, and appoint a day when we shall all be collected, and when those who are on their way shall have joined us."

The General rose and said :

"*Brothers!* I have paid very great attention to what has been observed by the Miamies, Pottawattamies, Chippeways, and Wyandots, and the day after to-morrow, I will endeavor to explain fully the treaty of Muskingum, of which so many plead ignorance. I will bring to the recollection of the Wyandots, Delawares, Ottawas, Chippeways, Pottawattamies and Sac nations, what they did at that treaty, and show them anew, their names who witness it. There are some Chippeways approaching, who perhaps were at the treaty; and when I look around me, I imagine I see some faces who were present at it. This road, (alluding to *The Sun's* road belt) is the true road. I have a branch similar to this, at my breast: I know them to be of the same tree, and of equal value. This is all I shall say at present. I thank the Great Spirit for assembling so many of us together on this good work; and I hope we shall have all things perfectly understood and explained, to our mutual satisfaction, before we part."

Council adjourned to meet on the 20th.

In the evening of the 18th, Blue Jacket, and thirteen Shawanees, and Masass, with twenty Chippeways, arrived and were received in the council house. Masass spoke as follows:

"I am very happy to be here this day. I was at the treaty of Muskingum, and have it now in my hand to show it you. Nothing but my having it in my possession could have brought me here at this time, for I came voluntarily, and unasked. We should have come in great numbers but for Brandt's endeavors to prevent us. The Wyandots and Six Nations are counseling. I do not know what may be the result of their conference. I am happy to find so

many of my brothers with you. I hope for the future they will walk in the right way, and be sincere in their engagements. I again repeat my knowledge of the treaty of Muskingum. As far as I understand it, I have been faithful to it. I have brought these Frenchmen with me that I may be well acquainted with every thing that shall take place. This is all I have to say at present. Having traveled far I am fatigued and require refreshment." [A white string.]

Blue Jacket spoke as follows:

"*Brother!* When I came here last winter I did not mean to deceive you; what I promised you I did intend to perform. My wish to conclude a firm peace with you being sincere, my uneasiness has been great, that my people have not come forward so soon as you would wish or might expect; but you must not be discouraged by these unfavorable appearances. Some of our chiefs and warriors are here; more will arrive in a few days. You must not however expect to see a great number, yet notwithstanding, our nation will be well represented. Our hearts are open, and void of deceit."

The General spoke as follows:

"*Brother, the Chippeway!* I am happy to see you and your people. The open and generous manner in which you have acknowledged being present at, and acquainted with, the treaty of Muskingum, displays an honest, open, and manly heart. I therefore take you by the hand, with the warmth and friendship of a brother. I know you have come a great way—provision shall be furnished you and your people, to appease your hunger; and you shall have some liquor also, to quench your thirst, and to enable you to rejoice with your friends and brothers present.

"*Brother, the Shawanee!* I am well convinced of the integrity of your heart, and that your exertions have not been wanting to bring hither a full representation of your

nation, at an early hour. I therefore bid you, and my friends with you, a sincere welcome."

On the 19th of July, Blue Jacket had a private conference with the General, in which he spoke as follows:

"Brother and Ally! It is a long time since I left you. I believe it is about five months. Many things have occurred since that time, which I will inform you of, as you may be unacquainted with them. I visited the British, and was kindly received at their garrison, on the Miami. I was asked for news; I had none for them, except that of my kind reception from you. Mr. Magdalen wrote from thence to Detroit, that he had taken off my blue coat, which I had received from the Americans, and broke my gun, which he also falsely said, was presented to me by General Wayne. I did not rest until I exposed this man, and refuted his assertions. I informed all the Indians of my full persuasion of the truth, of the kind and benevolent intention, you expressed to me, and that they, in due time, would be convinced of the goodness of your motives. Mr. McKee invited me to his house, and told me he was very sorry to find I had acted with such little regard for my people—that he ascribed my strange conduct to the instigations of some evil spirit, who had led me astray from the plain good road, and put me in the path which led to the Americans. 'The commission you received from Johnston,' said he, 'was not given you to carry to the Americans. I am grieved to find that you have taken it to them. It was with much regret I learned that you had deserted your friends, who always caressed you, and treated you as a great man. You have deranged, by your imprudent conduct, all our plans for protecting the Indians and keeping them with us. They have always looked up to you for advice and direction in war, and you have now broke the strong ties which held them all together, under your and our direction. You must now be viewed as the enemy of

your people, and the other Indians, whom you are seducing into the snares, the Americans have formed for their ruin; and the massacre and destruction of these people, by the Americans, must be laid to your charge.'

"*Brother!* I am happy, that notwithstanding all the difficulties and obstructions I had to encounter, from my relations and others, at Detroit, I have succeeded so far in bringing my people to you at this time. I expect intelligence this day, of the approach of more of them. I have briefly acquainted you with these things. I repeat my assurances of the sincerity of my sentiments and resolution, to be for the future, a steady friend to the United States."

Monday, July 20th—In council—Present as before, with the addition of the Shawanees and Chippeways, who arrived on the evening of the 18th. The General rose and spoke as follows:

"*Brothers of all the nations present!* I take you by the hand. When we were last in council, two days since, the [Little Turtle observed,—‘We came with an intention to hear you—we expect your wish is for peace with all the world—we would be glad to hear your sentiments upon the subject.’ I did hope and expect, that every man among you, would be perfectly acquainted with my sentiments on this subject, as I have for a long time past, taken pains to diffuse them throughout your nations. I will read you a message, which I sent amongst you, by Mr. Miller, now present, on the 13th of August last, and which I am persuaded, from the best authority, had been fully explained to, and perfectly understood by your chiefs and warriors. [Here the General read his message of 13th August, 1794.]

"I likewise told you, that the ears and the heart of the President, General Washington, were ever open to the voice of peace, and that he had instructed me, his principal warrior, to listen to that welcome voice, from whatever quarter it might come, provided it came from proper authority and from the heart.

"Six moons since, *The Crane* (Wyandots) and a number of Chippeways, Ottawas and Sacs, came here in consequence of this invitation. They were also accompanied by the Miamies. I received them with great pleasure, and informed them that I thanked the Great Spirit for opening their eyes to see, and their ears to hear the happy dawn of peace. I told them that peace was like that glorious sun, which diffused joy, health, and happiness to all the nations of this earth who had wisdom to embrace it; and that I, therefore, in behalf, and in the name of the President of the United States of America, took them all by the hand, with that strong hold of friendship which time could never break.

"These have been the sentiments of my heart with regard to peace, and I think may be considered as a full answer to the wishes expressed by the Little Turtle. To prove that my sentiments are still the same, I present to *Mash-i-pi-nash-i-wish*, and to the Little Turtle, these strings of wampum, which are not purer nor whiter than the heart that gives them. These will be considered as presented to the whole, for the same purpose." [White wampum to the Chippeways and Miamies.]

"The Little Turtle observes, 'You have informed us that the treaty of Muskingum shall be the foundation on which the present treaty shall be founded. That treaty was held by the Six Nations, and by a few young men of the Chippeways, Ottawas, and Pottawattamies. We, Miamies and Wabash tribes, are totally unacquainted with it.' And *Mash-i-pi-nash-i-wish*, has also remarked, that the Ottawas, Chippeways, and Pottawattamies, knew nothing of the treaty—it had never reached as far as Michilimackinac.

"*Younger Brothers!* In order to refresh your memories, and to bring every article of that treaty fully to your recollection, I will now read and explain it to you. These are the articles of that treaty, made more than six years ago, between the United States of America, and the Wyandots,

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Delawares, Ottawas, Chippeways, Pottawattamies and Sauckeyes. [Here he read and explained the treaty of Fort Harmar, made in 1769.]

"Younger Brothers! You have now heard the treaty of Muskingum read and explained to you. It has been for more than six years, well understood by many of the chiefs, now present, of those nations who concluded it. And I am persuaded that those who were present, and those who signed it, will have candor sufficient, when they hear their names called over, to acknowledge it, as their act and deed, as Masass has freely and sincerely done, the day before yesterday; by which he proved himself to be possessed of a manly, and undisguised heart.

"Younger Brothers! I have now fully explained to you, the treaty of Fort McIntosh, which was concluded ten years ago, and the treaty of Muskingum, which took place six years since. The boundaries agreed on by the former are the same, that are stipulated by the latter. I have also pointed out a number of chiefs, in this house, who were present at, and signed those treaties. As I have refreshed their memories, in this manner, and read them a few passages of their own speeches and proceedings, on those occasions, it is probable they will be able to inform you of every thing relating thereto, and give you full satisfaction on the subject. I have no more to say at present. I wish you to consider well what I have said to you, that we may be enabled to form a treaty that shall continue unbroken, as long as the woods grow, and waters run. Think seriously on the great business before you. Consult among yourselves, and when we meet again, speak your thoughts freely. I am persuaded we shall agree in opinion; and when we return home, all nations will have cause to rejoice in the good work we have been doing."

Pe-ke-te-le-mund, a Delaware chief, rose and said:

"Elder Brother! We are happy to meet you here this day. The Great Spirit is kind, in permitting us to meet

as brothers. We agree with what you have this day said to us. Five days ago you told us what you said last winter, to our uncles, the Wyandots. It is true, brother, they were the first who then came in to you. We were happy to hear their words, when they returned. We sent forward immediately a deputation to you, with our grandchildren, the Shawanees, and with them two prisoners.

"Brother! When our king returned, and proclaimed the happy news from you, we rejoiced to hear it, and prepared to come in and fulfil what he had promised. We brought in all our prisoners, agreeably to your desire, and in conformity to our chief's engagements.

"Brother! So far we have evinced our disposition; when we meet again, we shall have more to say upon the good work before us."

Mash-i-pi-nash-i-wish, a Chippeway chief, rose and said:

"Elder Brother! I am very glad you have pointed out those of my nation, who were at, and signed the treaty of Muskingum. I did not know them before. That treaty did not reach us, who live in Michigan. I am happy in having it now explained. I thank you for expediting our good work. We wish much to return to our families, many of whom have died since we left home."

Tuesday, the 21st of July. In council—present as before. Masass, a Chippeway chief, rose and spoke as follows, in behalf of the three fires, Ottawas, Chippeways, and Pottawattamies:

"Elder Brother! I have heard what you said yesterday, and know it to be the same that was said at the treaty of Muskingum. I remember it perfectly well, and thought, whilst I heard you speak it, that it was again renewed. My eyes were open, and I listened with attention.

"Elder brother! I now address myself to you. You see the fire kindled at Muskingum. I now tell you, that some words of that treaty we did not perfectly understand, at the time we made it. The Wyandots were foremost at that

treaty; we, the three fires, followed them. You there told us, that it was not in your name that you treated; but in behalf of the thirteen fires, which lie along the great water. You told us you would throw the tomahawk into the river; but you know the waters in our woods are not deep; and some foolish young men have had arms long enough, to reach the bottom, and again take it out. This day we will try to wipe away their bad actions; and to open their hearts to the voice of peace.

"Elder brother! I live at the gate leading to all those nations, and to the Pottawattamies, and those living in the prairies; and we, the three fires, will do our utmost to bury the hatchet so deep, that it can never be found; for it is this hatchet which has reduced us to misery and wretchedness. I tell you this as the true sentiments of the three nations, for whom I speak. I cannot answer for the others.

"Elder brother! You see the wampum I hold is small. Our three fires, it would appear, are also small, as the other nations have often told you. They have also told you, that they were masters of the Ottawas, Chippeways, and Pottawattamies, and of their territory. Notwithstanding I am so small a man, I do now, in the name of the three nations, throw the hatchet into the middle of the great lake, where it will be so covered, as never to be again found, as long as white people and Indians live.

"Elder brother! This is all these three fires and the tribe of the Little Turtle, who unites with us in sentiment, have at present to say. The hatchet is now buried forever, and we now expect your assistance. Your officers and our warriors are now around us, let us join sincerely in making a solid and lasting peace. Peace with our three fires is now established. [A string of blue and white wampum.]

"Elder brother! You do not forget any of your words, and I show you this belt, which you gave a great many years ago, to *Wassung*, one of our nation. You told him, at that time, that upon this road, he should always come

and see you,—that he would always find it free from thorns. [Presented a road-belt.]

"*Elder brother!* When you yesterday read to us the treaty of Muskingum, I understood you clearly. At that treaty, we had not good interpreters, and we were left partly unacquainted with many particulars of it. I was surprised when I heard your voice, through a good interpreter, say that we had received presents and compensation for those lands which were thereby ceded. I tell you now, that we, the three fires, never were informed of it. If our uncles, the Wyandots, and grand-fathers, the Delawares, have received such presents, they have kept them to themselves. I always thought that we, the Ottaways, Chippeways, and Pottawattamies, were the true owners of those lands; but now I find that new masters have undertaken to dispose of them: so that at this day we do not know to whom they of right belong. We never received any compensation for them. I don't know how it is, but ever since that treaty we have become objects of pity, and our fires have been retiring from this country. Now, elder brother, you see we are objects of compassion. Have pity on our weakness and misfortunes; and since you have purchased these lands, we cede them to you; they are yours. Perhaps at a future day your younger brothers may be made happy by becoming your children, should you extend to us your paternal protection. This is all your younger brothers, the three fires, have to say to you, our elder brother. Now the great men will address you."

Tarkee, chief of the Wyandots, rose and said:

"*Brothers of the fifteen fires, listen!* And you, my nephews, the Delawares and Six Nations, younger brothers, Shawanees and Miamies, and elder brothers, Ottaways, Chippeways and Pottawattamies, we are here assembled this day, in the presence of God above. Brothers, Americans! Our brothers, the Ottawas, Chippeways, and Pottawattamies, have related to you a little of what happened at the treaty

of Muskingum, and observe that we have sold the lands to you without their consent or knowledge. However, elder brother, I hope you will explain to them how the country was first disposed of into your hands. These people now claim the land, and must establish their right with you. We had yesterday some counsel among ourselves on this subject. We feel much alarmed at these words of our brothers, claiming in this manner these lands. This is all I have at present to say, brothers."

Tarkee rose again and continued thus:

"*Elder brothers of all nations!* We have all assembled to effect a good work. My nephews and I have been talking together, concerning the speech of Masass. We were a little confused by it, and now leave it to our brothers, the fifteen fires, to say whether we shall now speak in answer to it, or consider of it until to-morrow."

The General replied:

"*Younger brothers!* As I am called upon by the Wyandots, to give my opinion whether they shall this day answer the speech of Masass, or consider of it till to-morrow, I will give it freely. I do think it will be better to postpone until to-morrow; because, after reflecting coolly, and sleeping, the answer may be more dispassionate and pleasing to all. I am convinced that Masass had no intention to hurt the feelings of his uncle, and grand-father; he only meant to inform me, that he had not received any goods or compensation, for the lands ceded by the treaty of Muskingum. When we come into articles, presently, for a permanent peace, all those nations who have any right to the lands in question, shall receive yet farther compensation, I hope, to the satisfaction of all parties."

Mash-i-pi-nash-i-wish thus spoke:

"*Elder Brother!* I take you by the hand; I now tell you I am not come here to take umbrage at trifles, but to accomplish the great and serious work in which we are engaged. My heart is good, and I will not be interrupted

by little things. I now wish to know, in the name of our three fires, how long we may have to remain here, on this business. When I first entered this house my mind was prepared and made up. We live at a great distance from here, and feel anxious to return."

The General replied thus:

"*Younger brothers!* It is rather difficult for me to say how many days it may require to finally settle this good work. I will to-morrow listen to what our brothers, the Wyandots, and others, have to say upon the speech of Masass, and then I shall be perfectly ready to enter upon the main object of this meeting, and lay before you the articles of the treaty, which may establish the happiness and peace of the fifteen fires, and of the Indian nations now assembled."

Masass rose and said:

"I have heard the words of my elder brother. He has heard mine. I have reflected coolly; I approve of them, and what I have said, I will never retract."

Little Turtle rose and spoke as follows:

"*Elder brother!* I wish to ask of you and my brothers present one question. I would be glad to know what lands have been ceded to you, as I am uninformed in this particular. I expect that the lands on the Wabash, and in this country, belong to me and my people. I now take the opportunity to inform my brothers of the United States and others present, that there are men of sense and understanding among my people, as well as among theirs, and that these lands were disposed of without our knowledge or consent. I was yesterday surprised, when I heard from our grandfathers, the Delawares, that these lands had been ceded by the British, to the Americans, when the former were beaten by, and made peace with, the latter; because you had before told us that it was the Wyandots, Delawares, Ottawas, Chippeways, Pottawattamies, and Saukeys, who had made this cession."

Council adjourned.

Wednesday, 22d July. In Council. Present as before. The Little Turtle spoke as follows:

"*General Wayne!* I hope you will pay attention to what I now say to you. I wish to inform you where your younger brothers, the Miamies, live, and also the Pottawattamies of St. Joseph, together with the Wabash Indians. You have pointed out to us the boundary line between the Indians and the United States; but I now take the liberty to inform you, that that line cuts off from the Indians a large portion of country, which has been enjoyed by my forefathers, time immemorial, without molestation, or dispute. The prints of my ancestors' houses are everywhere to be seen in this portion. I was a little astonished at hearing you and my brothers who are now present, telling each other, what business you had transacted together, heretofore, at Muskingum, concerning this country. It is well known by all my brothers present, that my forefather kindled the first fire at Detroit; from thence he extended his lines to the head waters of Scioto; from thence to its mouth; from thence down the Ohio to the mouth of the Wabash; and from thence to Chicago, on Lake Michigan. At this place I first saw my elder brothers, the Shawanees. I have now informed you of the boundaries of the Miami nation, where the Great Spirit placed my forefather a long time ago, and charged him not to sell, or part with his lands, but to preserve them for his posterity. This charge has been handed down to me. I was much surprised to find that my other brothers differed so much from me on this subject; for their conduct would lead me to suppose, that the Great Spirit and their forefathers, had not given them the same charge that was given to me; but on the contrary, had directed them to sell their lands to any white man who wore a hat, as soon as he should ask it of them. Now, elder brother, your younger brothers, the Miamies, have pointed out to you, their country, and also to our

brothers present. When I hear your remarks and proposals on this subject, I will be ready to give you an answer. I came with an expectation of hearing you say good things, but I have not yet heard what I had expected.

"Brothers, the Indians! I expected, in this council, that our minds would have been made up, and that we should speak with one voice. I am sorry to observe, that you are rather unsettled, and hasty in your conduct."

Tarkee, the Wyandot, rose and spoke thus:

"Elder brother! Now listen to us. The Great Spirit above has appointed this day for us to meet together. I shall now deliver my sentiments to you, the fifteen fires. I view you, lying in a gore of blood. It is me, an Indian, who has caused it. Our tomahawk yet remains in your head—the English gave it to me to place there.

"Elder brother! I now take the tomahawk out of your head; but with so much care that you shall not feel pain, or injury. I will now tear a big tree up by the roots, and throw the hatchet into the cavity which they occupy; where the waters will wash it away, to where it can never be found. Now, I have buried the hatchet, and I expect that none of my color, will ever again find it out. I now tell you, that no one in particular can justly claim this ground—it belongs, in common, to us all. No earthly being has an exclusive right to it. The Great Spirit above is the true and only owner of this soil; and he has given us all an equal right to it." [Spoken on a blue belt.]

"Brothers, the fifteen fires, listen!" You now see that we have buried the hatchet. We still see blood around; and in order to clear away all grief, we now wipe away the blood from around you, which together with the dirt that comes away with it, we bury with the hatchet, in the hole we have made for them; and replace the great tree, as it stood before; so that our children, nor our children's children, can ever again discover it." [Spoken on a blue string attached, and both delivered.]

"Brothers, listen! I now wipe your body clean from all blood, with this white, soft linen (a white wampum) and I do it with as much tenderness as I am capable of. You have appointed this house for the chiefs of the different tribes to sit in with you, and none but good words ought to be spoken in it. I have swept it clean—nothing impure remains in it.

"Brothers, listen! We are both placed on this ground. I now wipe the tears from your eyes, and open your ears. I see your throat is so stopped that you are nearly suffocated—I now open your throat, and make it quite clean, that whatever the Great Spirit may think proper for you to swallow, may go down, without any obstruction. I see also, that your heart is not in its true situation—I now place it in its proper position, that any thing you may hear from us, your brothers, may descend directly to it; and what you shall say, may come with truth and ease from it.

"Brother! I clear away yon hovering clouds, that we may enjoy a clear, bright day, and easily see the sun, which the Great Spirit has bestowed on us, to rise and set, continually." [A white string.]

"Brother! Listen to us, Indians, who now speak to you. The bones which lie scattered, of your ancient warriors, who fell in defence of the present cause, we gather all together, and bury them now, and place this white board over them, that they may never again be seen by our posterity." [A white and blue belt and string.]

"Brother warrior! Listen to us! The great chiefs are now about to speak to you. You chiefs and warriors present, listen also!

"Brother! We speak not from our lips, but from our hearts, when we are resolved upon good works. I always told you that I never intended to deceive you, when we entered upon this business. It was never the intention of us Indians, to do so. I speak from my heart what I now say to you. The Great Spirit is now viewing us, and did he

discover any baseness or treachery, it would excite his just anger against us.

"Brother! Listen to me. We are all of one mind, who are here assembled. This is a business not to be trifled with—it is a matter of the utmost concern to us. We happily so far agree in handling our ancestors' records, who always worked for peace.

"Brother! You have proposed to us to build our good work on the treaty of Muskingum. That treaty, I have always considered as formed upon the fairest principles. You took pity on us Indians—you did not do as our fathers, the British, agreed you should. You might by that agreement, have taken all our lands; but you pitied us, and let us hold part. I always looked upon that treaty to be binding upon the United States, and us Indians.

"Brother! Listen to us Indians—I told you just now, that we were upon business of the greatest moment. I now conclude the great good work we have been employed in; and with *this*, I cover the whole earth, that it may appear white, and shine all over the world. I hope the Great Spirit will have pity on us, and make this work lasting." [Four large mixed belts presented.]

"Brother! I am going to relate to you the treaty made at Muskingum, in a few words. I have not forgotten that treaty; neither have you. At that time we settled a peace, between the Delawares, Six Nations, Ottawas, Chippeways, Pottawattamies, and us Wyandots. It is very true there were not so many different nations then assembled, as are now present. We now establish a general, permanent, and lasting peace, forever.

"Brothers! We are all sensible that when you struck the boundary, at that time, it run from Tuscarawas to a little below Loramies, where the fort stood, which was destroyed in 1752. I understand the line has since been moved, a little towards us. Be strong, brothers, and fulfil your engagements.

"Brothers, listen! I have told you that I speak from my heart—you see the speeches I have delivered. Peruse them and see whether or not I have spoken with sincerity. This is all your brothers of the different nations present have this day to say to you." [A large belt.]

The General rose and spoke as follows :

"Younger Brothers! I have listened with great attention to every thing you have said this day. I find the hatchet has been buried, by all the nations present. I shall peruse these belts, speeches and boundaries, now laid before me, with great attention, and I am convinced they will agree with the records in my possession. The day is far spent, and we will now separate, to meet again to-morrow morning, and proceed in this good work." Council adjourned.

Thursday, 23d of July—In Council—Present as before. Blue Jacket, a Shawanee chief, arose and addressed the Indians as follows :

"Brothers! I hope you will not take amiss, my changing my seat in this council. You all know the Wyandots are our uncles, and the Delawares our grandfathers ; and that the Shawanees are the elder brothers of the other nations present. It is therefore proper, I should sit next my grandfathers and uncles. I hope, younger brothers, you are all satisfied with what our uncles said yesterday, and that I have done every thing in my power, at all times to advise and support you."

A-goosh-a-way, an Ottawa chief, spoke as follows :

"Brothers, the Indians! When I last had my calumet of peace, our elder brothers, the Shawanees, were not present. I now offer it to them, that the sentiments of their hearts may be similar to ours. All you nations present, know this to be the calumet of the three fires. It is six years since it was sent from the north, to Michilimackinac, to the three fires who live at the gate, to be presented by them to the Wyandots, Delawares, and Shawanees, with an injunction always to hide it when anything bad was in motion ; but

to display it when any thing good was contemplated. You all know the importance of this sacred token of peace among us Indians.

"Brother! I do not consider you as a brother—I view you as a friend. I present you this calumet, that came far from the north, and has gone round all the lakes. When it was sent to us, the stem pointed towards you (the east.) Now my friend, you may do with this pipe what you please. If you think proper, you may point it towards the fifteen fires, and afterwards turn it towards us. It is entirely at your disposal—I am ordered to deliver it into your hands.' [Delivers the pipe.]

"Friend! I now present you with a belt, which has been given to us by the Hurons, who received it from our brothers, the Americans, as a seat upon which we all should sit and rest. Our father, at Detroit, has always endeavored to lead us off from this seat; but we never listened to him—we consider it as a carpet, spread for our use; and we now show it to you that you may recognize it." [A large belt, with men, and a house, designated upon it.]

Masass, a Chippeway chief, arose and spoke as follows:

"Elder brother! This great calumet comes, not from the little lake near us, but from the great lake Superior, to the north: from whence our great chiefs and warriors come.

"Elder brother! When I returned from the treaty of Muskingum, I repeated the substance of its proceedings, to my nation. You therefore see, that your words have gone a great way; even to Lake Superior.

"Brother! I live at a great distance from you; but when you call a council, I hear your voice immediately, and I come without delay. You now see all your brothers around you. We are well acquainted with what we are now doing, and what we have done heretofore. The white beads on this belt, denote the number of large villages, from the north, who have heard your word." [A belt with nine white squares.]

Mash-i-pi-nash-i-wish, spoke as follows:

"*Elder brother, and all you present*, listen to me with attention! When the Great Spirit made the world, he put me at Michilimackinac, where I first drew my breath. At first, I was entirely naked, and destitute; and as if he had compassion on me, he pointed out to me the way to the white people. I followed his path and found them below Quebec, at the Falls of Montmorenci. I was satisfied the Great Spirit pitied us, for you whites had all pity on us, and hence we always loved you. The Great Spirit has blessed you with greater knowledge than we are possessed of—you are therefore entitled to great respect. When we first found the French whites, we took them to our fires, and they have lived among us ever since." [A white string.]

"*Elder brother!* You see all your brothers assembled here, in consequence of your messages last winter. At that time the Ottawas, Chippeways, Pottawattamies, some who call themselves Sauckeys, and the Miamies, heard your words. You remember, brother, I then told you, that I would withdraw the dark cloud from your eyes, that you might know us again. You see I have done so, for you now behold us all clearly. At the same time I told you, I would open both your ears and my own, that we might hear each other clearly. Our ears are opened accordingly, and we hear and understand accurately. I now speak to you with a pure heart. This white wampum testifies our sincerity, and unanimity in sentiment. I now put your heart in its right place, as you did mine; that you may make known to the fifteen fires, what I now tell you." [A blue and white string.]

"*Elder brother!* When I view my situation, I consider myself as an object of compassion.

"*Elder brother*, listen to me! As I told you last winter, if we Indians have acted wrong, we are not entirely to blame. It was our father, the British, who urged us to bad deeds, and reduced us to our present state of misery. He per-

suaded us to shed all the blood we have spilled. You, this day, see me fulfil my promise. With this belt I cover all the slain, together with our evil actions." [A white belt.]

"*Elder brother*, listen to me with attention! I speak in the name of all present. You see that I am worthy of your compassion. When I look upward, I see the sky serene and happy, and when I look on the earth, I see all my children wandering in the utmost misery and distress. I tell you this, to inform you, I have never moved my fire—that I still live where the Great Spirit first placed me." [A belt.]

"*Elder brother*, listen! The Great Spirit above hears us, and I trust we shall not endeavor to deceive each other. I expect what we are about to do, shall never be forgotten as long as we exist. When I show you this belt, I point out to you your children, at one end of it, and mine at the other; and I would solicit the fifteen fires, and their women and children, to have pity on my helpless offspring. I now tell you that we will assist you, to the utmost of our power, to do what is right. Remember, we have taken the Great Spirit, to witness our present actions. We will make a new world, and leave nothing on it, to incommode our children." [A white belt.]

"*Elder brother*! I now use this white wampum, that the words I utter, may descend to the bottom of your heart, and that of the fifteen fires.

"*Elder brother*! I was not disposed to take up the hatchet against you; it was forced into my hands by the white people. I now throw it into the middle of the deepest lake, from whence no mortal can bring it back.

"*Brother*! I have thrown my hatchet into a bottomless lake, from whence it never will return. I hope you will also throw yours so far, that it may never again be found." [A string blue and white.]

"*Brother*! After hearing all your words, my heart feels easy, and in its proper place. I do not speak to you about

lands; for why should I? You have told us we might hunt upon your lands. You need not apprehend any injury from us—we will for the future, live and hunt in peace and happiness.

"Elder brother! You see before you all my war-chiefs. They never go ahead of their commander; they ever obey and follow his orders. When I was here last winter you expressed a desire to see them. You told me you would treat them well, but they say they have not seen this treatment, and enquire the cause of this alteration." [A blue string.]

New Corn, a Pottawattamie chief, rose and spoke thus:

"Elder brother! Had you seen me in former days you would have beheld a great and brave chief, but now I am old and burdened with the weight of years."

"Elder brother! I take you and the fifteen fires by the hand, with the lively feelings of a brother. I am old, but age does not prevent me from assisting in good works. I am happy and satisfied with the words you have spoken, and those delivered by my brother Indians. Our satisfaction is general;—when a chief rises to speak I wish him to speak nothing but truth; because I feel for my young men, women, and children, whose happiness I have deep at heart. I must observe, that I never received any part of the compensation given at the treaty of Muskingum. Our chiefs are all well disposed, and I hope every thing that passes between you and them, may be marked with sincerity and truth. My nation consists of one thousand men, who live at and between Detroit and Lake Michigan. We have the Miamies for our allies, and we mutually assist each other. I am by birth a Sac; I married a Pottawattamie, and have resided amongst them. Twenty-three chiefs of that nation are inferior to me in command." [A belt.]

The General spoke as follows:

"Younger brothers! I have heard, with due attention, all

that you this day have said. To-morrow I will reply fully to you. My plate and my table are not very large. They could not entertain all present at one time, but I hope to see all your chiefs in person, and in due rotation, before we part. In the meantime you must acknowledge that I have helped your plates pretty well, and kept them full all around me. I will send you a little liquor this evening; but I hope you will keep your heads clear to attend to what I shall say to-morrow." Council adjourned.

Friday, 24th July. In council. Present as before. Blue Jacket, a Shawanee chief, rose and spoke as follows:

"*Brothers!* You know that we, the Seven Nations, have always been of one opinion. You know also that our uncles have always taken care of the great fire, they being the oldest nation. Our elder brother will therefore address his words to our uncle, the Wyandot, who will hand them round through the different nations."

The General rose and spoke as follows:

"*Brothers, the Ottawas, Chippeways, and Pottawattamies!* Open your ears and be attentive! I have heard with very great pleasure, the sentiments delivered by Masass, as the unanimous voice of your three nations. When Mash-i-pi-nash-i-wish, your uncle, came to me last winter, I took him to my bosom, and delivered him the key of all my forts and garrisons; and my heart rejoices when I look around me, and see so many of your chiefs and warriors assembled here, in consequence of that happy meeting. It will give infinite pleasure to General Washington, the great chief of the fifteen fires, when I inform him you have thrown the hatchet, with so strong an arm, that it has reached the middle, and sunk to the bottom of the great lake, and that it is now so covered with sand that it can never again be found. The belt which was given to Wassung, many years since, establishing a road between you and the fifteen fires, I now return, renewed and cleared of all the brush and brambles with which time had scattered it.

"Brothers of the three great fires! You say you thought you were the proper owners of the land, that was sold to the fifteen fires, at the treaty of Muskingum; but you say also, that you never received any compensation for those lands. It was always the wish and intention of the fifteen fires, that the true owners of those lands should receive a full compensation for them. If you did not receive a due proportion of the goods, as original proprietors, it was not the fault of the United States; on the contrary, the United States have paid twice for those lands; first at the treaty of McIntosh, ten years ago, and next at that of Muskingum, six years since.

"Younger brothers! Notwithstanding that these lands have been twice paid for, by the fifteen fires, at the places I have mentioned, yet such is the justice and liberality of the United States, that they will now, a third time, make compensation for them." [A large string to the three fires.]

"Brothers, the Miamies! I have paid attention to what the Little Turtle said, two days since, concerning the lands which he claims. He said his father first kindled the fire at Detroit, and stretched his line from thence to the head waters of Scioto; thence down the same to the Ohio; thence down that river to the mouth of the Wabash, and from thence to Chicago, on the south west end of lake Michigan; and observed that his forefathers had enjoyed that country, undisturbed, from time immemorial.

"Brothers! These boundaries enclose a very large space of country indeed; they embrace, if I mistake not, all the lands on which all the nations now present live, as well as those which have been ceded to the United States. The lands which have been ceded have within these three days been acknowledged by the Ottawas, Chippeways, Pottawattamies, Wyandots, Delawares, and Shawanees. The Little Turtle says, the prints of his forefathers' houses are everywhere to be seen within these boundaries. *Younger brother!* it is true these prints are to be observed, but at the

same time we discover the marks of French possessions throughout this country, which were established long before we were born. These have since been in the possession of the British, who must, in their turn, relinquish them to the United States, when they, the French and the Indians, will be all as one people. [A white string.]

"I will point out to you a few places where I discover strong traces of these establishments; and first of all, I find at Detroit, a very strong print, where the fire was first kindled by your forefathers; next at Vincennes on the Wabash; again at Musquiton, on the same river; a little higher up on that stream, they are to be seen at Ouitanon. I discover another strong trace at Chicago; another on the St. Joseph's of lake Michigan. I have seen distinctly, the prints of a French and of a British post, at the Miami villages, and of a British post at the foot of the Rapids, now in their possession. Prints, very conspicuous, are on the Great Miami, which were possessed by the French, forty-five years ago; and another trace, is very distinctly to be seen at Sandusky.

"It appears to me, that if the Great Spirit, as you say, charged your forefathers to preserve their lands entire, for their posterity, they have paid very little regard to the sacred injunction, for I see they have parted with those lands to your fathers the French—and the English are now, or have been, in possession of them all: therefore, I think the charge urged against the Ottawas, Chippeways and other Indians, comes with a bad grace indeed, from the very people who, perhaps, set them the example. The English and French both wore hats; and yet your forefathers sold them, at various times, portions of your lands. However, as I have already observed, you shall now receive from the United States, further valuable compensation for the lands you have ceded to them by former treaties.

"*Younger brothers!* I will now inform you who it was who gave us these lands in the first instance;—it was your fathers the British, who did not discover that care for your

interests which you ought to have experienced. This is the treaty of peace, made between the United States of America and Great Britain, twelve years ago, at the end of a long and bloody war, when the French and Americans proved too powerful for the British: on these terms they obtained peace. [Here part of the treaty of 1783 was read.]

"Here you perceive, that all the country south of the great lakes has been given up to America; but the United States never intended to take that advantage of you, which the British placed in their hands; they wish you to enjoy your just rights, without interruption, and to promote your happiness. The British stipulated to surrender to us all the posts on this side of the boundary agreed on. I told you some days ago, that treaties should ever be sacredly fulfilled by those who make them; but the British, on their part, did not find it convenient to relinquish those posts as soon as they should have done; however, they now find it so, and a precise period is fixed for their delivery. I have now in my hand the copy of a treaty, made eight months since, between them and us, of which I will read you a little. [First and second articles of Mr. Jay's treaty read.]

"By this solemn agreement they promise to retire from Michilimackinac, Fort St. Clair, Detroit, Niagara, and all other places on this side of the lakes, in ten moons from this period, and leave the same to the full and quiet possession of the United States.

"*Brothers!* All nations present, now listen to me!

"Having now explained those matters to you, and informed you of all things I judged necessary for your information, we have nothing to do but to bury the hatchet, and draw a veil over past misfortunes. As you have buried our dead, with the concern of brothers, so I now collect the bones of your slain warriors, put them into a deep pit which I have dug, and cover them carefully over with this large belt, there to remain undisturbed. I also dry the tears from your eyes, and wipe the blood from your

bodies, with this soft white linen. No bloody traces will ever lead to the graves of your departed heroes ; with this, I wipe all such away. I deliver it to your uncle, the Wyandot, who will send it round amongst you. [A large belt, with a white string attached.]

"I now take the hatchet out of your heads, and with a strong arm, throw it into the centre of the great ocean, where no mortal can ever find it; and I now deliver to you the wide and straight path to the fifteen fires, to be used by you and your posterity, forever. So long as you continue to follow this road, so long will you continue to be a happy people. You see it is straight and wide, and they will be blind indeed, who deviate from it. I place it also, in your uncle's hands, that he may preserve it for you. [A large road belt.]

"I will, the day after to-morrow, show you the cessions which you have made to the United States, and point out to you the lines which may, for the future, divide your lands from theirs; and, as you will have to-morrow to rest, I will order you a double allowance of drink, because we have now buried the hatchet, and performed every necessary ceremony, to render propitious, our renovated friendship."

Tarkee, chief of the Wyandots, arose, and spoke as follows :

"*Brothers, the fifteen fires, listen!* and all you chiefs and warriors present. This is a day appointed by the Great Spirit above, for us; he has taken pity on us all, and disposed us to perfect this good work. You have all heard what our elder brother has said on these two belts. We will all now return thanks to this great chief, and to the great chief of the fifteen fires, for their goodness towards us; and we will, at the same time, offer our acknowledgements to the Great Spirit, for it is he alone, who has brought us together, and caused us to agree in the good works which have been done. My thanks are also due to you, chiefs and warriors present." Council adjourned.

CHAPTER XII.

Treaty of Greenville concluded, signed and ratified.—Numbers of the different tribes of Indians parties to the treaty.—Proclamation of Gen. Wayne.

Monday, 27th July. In Council. Present as before. The General arose and addressed the Indians as follows :

“ Younger brothers ! When we were last in council, I informed you that I would, on this day, describe the general boundary line, that shall be proposed, to divide the lands of the United States, or fifteen great fires of America, from those belonging to the Indian nations, which I will now proceed to do, in such a manner as to prevent mistakes or disputes in future, respecting that boundary. I will therefore read and explain to you, the several articles of a treaty, upon which a permanent peace shall be established between the United States of America, and all the Indian tribes northwest of the Ohio.

“ You will, therefore, younger brothers, open your ears to hear, and your hearts to understand, all and every of the articles of agreement which I hold in my hand.”

[Here the General read the proposed articles of treaty, and in explanation of the 3d, made the following observations :]

“ Younger brothers ! I wish you clearly to understand the object of these reservations. They are not intended to annoy you, or impose the smallest degree of restraint on you, in the quiet and full possession of your lands, but to connect the settlements of the people of the United States, by rendering a passage from one to the other, more practi-

cable and convenient, and to supply the necessary wants of those who shall reside at them. They are intended, at the same time, to prove convenient and advantageous to the different Indian tribes residing and hunting in their vicinity, as trading-posts will be established at them, to the end, that you may be furnished with goods, in exchange for your furs and skins, at a reasonable rate.

"You will consider, that the principal part of the now proposed reservations, were made and ceded by the Indians, at an early period, to the French; the French, by the treaty of peace of 1763, ceded them to the British, who, by the treaty of 1783, ceded all the posts and possessions they then held, or to which they had any claim, south of the great lakes, to the United States of America. The treaty of Muskingum, embraced almost all these reservations, and has been recognised by the representatives of all the nations now present, during the course of last winter, as the basis upon which this treaty should be founded.

"*Younger brothers!* I have now proposed to you, articles of a treaty, calculated to ensure our future friendship and happiness; and which may continue till time shall be no more. I present this belt, emblematic of the ten articles which compose it, to your uncles, the Wyandots." [A belt.]

Tarkee, chief of the Wyandots, arose and said:

"*Brothers*, the fifteen United States, listen! and you, my nephews, the Delawares, brothers Ottawas, Chippeways, Pottawattamies, Shawanees and Miamies! This is the day the Great Spirit has appointed for us, wherein we have completed the good work of peace. We have opened our ears, and we all understand well what has just now been said. We have paid the utmost attention to all your words, in describing the boundary between the United States, and us Indians; and the roads you have made, which shall lead through our country, to the different posts and reservations you have mentioned. We thank you for your information; and we are persuaded you have acted with great equity

and moderation, in dividing the country as you have done; we are highly pleased with your humanity towards us.

"Listen, you chiefs and warriors present! Our elder brother has made proposals to us, which require the greatest deliberation among us all. I do now request of you to consult upon this business, without delay, that we may be enabled to return an answer to our brother to-morrow. Make no delay in deciding. This is all I have to say."

The Little Turtle, a Miami chief, arose and said:

"Listen, you chiefs and warriors, to what I am about to say to you! To you I am speaking. We have heard what our elder brother has said to us this day. I expected to have heard him deliver those words, ever since we have been here; for which reason I observed, that you were precipitate, on your part. This is a business of the greatest consequence to us all; it is an affair to which no *one* among us can give an answer. Therefore, I hope that we will take time to consider the subject; that we will unite in opinion, and express it unanimously. Perhaps our brothers, the Shawanees, from Detroit, may arrive in time to give us their assistance. You, chiefs present, are men of sense and understanding: this occasion calls for your serious deliberation; and you, my uncles, the Wyandots, and grandfathers, the Delawares, view our situation in its true point of consideration."

Council adjourned.

Tuesday, 28th July. In Council. Present as before. Tarkee, chief of the Wyandots, arose and said:

"*Elder brother!* You told us yesterday, to deliberate seriously on the subject of your communications to us. We, the Wyandots, Delawares, and Shawanees, have not yet formed our opinions: more time is required to consider of so important a matter. To-morrow morning we will be prepared to answer you: our minds will by that time be made up."

The Sun, a Pottawattamie chief, spoke as follows:

"Elder brother! If my old chiefs were living, I should not presume to speak in this assembly; but as they are dead, I now address you, in the name of the Pottawattamies; as Masass has spoken in the name of the three fires, of which we are one: I have to express my concurrence in sentiment with him. It is two years since I assisted at the treaty of Vincennes. My voice, there, represented the three fires. I then said it would require three years to accomplish a general peace; I am now of a different opinion, for I am confident it will be completed at this meeting.

"Elder brother! I now bury the hatchet forever, and tell you that all the bad and imprudent actions which have been committed, were not done by me, the Indian.

"Elder brother! You now see why I have done wrong. This war-belt caused us to spill much blood, through this country. The Great Spirit has, at length, put a period to the influence of this pernicious belt. You must know, that it was presented to us by the British; and has involved us, for four years past, in misery and misfortunes. I am rejoiced to think, it can never again lead us astray, even if a fresh war should break out, with redoubled fury. We have already the loss of too many chiefs and warriors to lament, who fell a sacrifice in this destructive contest.

"Elder brother! You have been told that the Pottawattamies are always foremost in mischief. I now tell you, that was not a true representation. The Pottawattamie sits in the centre; nothing takes its beginning from thence. It is the three people who lived at the Miami villages, who assumed to themselves the privilege of going before. But this cannot be unknown to you.

"Elder brother! I shall now dispose of this belt. I live too far from the lakes; and my arm is not long enough to throw it into the centre of any of them; neither have I strength sufficient to tear up a big tree, and bury it beneath its root; but I will put it from me as effectually, by surren-

dering it into your hands, as by doing with it any thing else. You may burn it, if you please; or transform it into a necklace, for some handsome squaw; and thus change its original design and appearance; and prevent for ever its future recognition. It has caused us much misery, and I am happy in parting with it." [A war belt.]

"*Elder brother!* I have now made you acquainted with the determined resolution of the three fires, and if any other nation should pretend to tell you that their strength and influence can hereafter stir us up to war, do not believe them; for I now tell you, that we, the three fires, are not only immoveable in our determination, but being the most powerful people, have nothing to dread from their compulsion."

The New Corn, a Pottawattamie chief, arose and said:

"All you nations present, I must tell you that I am much surprised that you cannot agree in opinion on the good work now before you. You do not act well; you undo to-day what you did yesterday. It would appear as if you were ashamed to come forward with one voice. Why do you hesitate? You know good works are always better when executed with decision. I now entreat you all, to join hand and heart, and finish this good work with our elder brother."

The Little Turtle, a Miami chief, spoke as follows:

"All you present must know that every kind of business, especially such as we are at present engaged in, exhibits difficulties which require patience to remove, and consideration to adjust. Your younger brothers, the Miamies, again light the calumet of peace, and present it to the Shawanees who have not yet smoked out of it.

"*Elder brother!* Your younger brothers, the Miamies, now thank you for the sentiments you have expressed, and for burying the hatchet; they offer, at the same time, their acknowledgements to their elder brother, of the fifteen fires, for throwing his tomahawk, with so strong an arm,

into the great ocean. We are convinced of the sincerity with which these actions were performed. I do not believe the hatchet was ever before buried so deep. I fancy it has always, heretofore, been cast into shallow, running water, which has washed it up on dry land, where some of our foolish young men have always found it, and used it, to involve their people in trouble.

"Elder brother! I wish we could all unite and give our elder brother at once a final answer to his propositions. I am surprised that you, my uncles, the Wyandots, and you, my grandfathers, the Delawares, and you, Shawanees, should say you were not ready. Your younger brothers expect that you will call them all together, and make them acquainted with your sentiments first, as elder brothers ought to do, and afterwards to listen to the opinion of your younger brothers."

Mash-i-pi-nash-i-wish, chief of the Chippeways, arose and said:

"Elder brother, listen to me! My mind has long been made up; it is not necessary for me to consider upon what I am already resolved upon: we have been here a long time, and ought, without further delay, to finish this good work. We, the three nations, have been long united in opinion; we fully agree to your propositions; we want no further private counsel. We should lay aside trifling; our tardy brothers have got their wives with them; they are content and easy; ours are at home, and we are anxious to be with them." Council adjourned.

Wednesday, 29th July. Council present as before.

Tarkee, chief of the Wyandots, spoke as follows:

"Elder brother of the fifteen fires, listen to us! All you that are assembled here, brother Indians, listen also. We are now come forward to give you an answer to what you proposed to us, the other day, as my nephews, the Delawares, and my younger brothers, the Shawanees, have agreed upon what they will say to you. We request you;

brother, to relate this answer to our brother Indians, after I have delivered it to you."

The following written address was then presented:

"Greenville, Head Quarters, 29th July, 1795.

"Brothers of the Fifteen United Fires, listen to the voice of the Wyandots, and their confederates of Sandusky! We take the Delawares, our nephews, and our younger brothers, the Shawanees, by the hand, as their sentiments agree with ours, and have one heart and voice to speak. I now speak, brothers, in the name of the before mentioned tribes, in answer to your proposals, made to us two days ago. As we have said before, that you had done the greatest justice to us, we do now again, acknowledge it a second time.

"Brothers, listen well! We have only the following objections to make; you mentioned in one of the articles, that you would not protect us from the mischief that might take place amongst ourselves. Remember well, brothers, the speech you sent us, dated the 1st January, 1795. We shall only give part of the contents, and these are the words:

"Your father, General Washington, the President of the Fifteen Great Fires of America, will take you under his protection, and has ordered me to defend his dutiful children from any injury that may be attempted against them, on account of their peaceable disposition towards the United States; for which purpose he will order a fort or fortification to be built at the foot of the Rapids of Sandusky, on the reserved lands, as soon as the season and circumstances will permit."

"Brothers! We never expected that you would change your sentiments regarding our safety, on which depends our future happiness.

"Brothers! Reconsider this beneficial part of the articles—don't change your sentiments—hold fast to General Washington's orders, as we do. We shall never be happy or contented, if you do not take us under your powerful wings; we are sensible that no one dare pluck a feather

from your body; if they do, the fifteen speared arrows in your claws, will display in every direction.

"Brothers, listen! You have requested of us all, to give you an account of the nation or nations, the true owners of the soil north-west of the Ohio, of the boundaries you have laid off two days ago. We will ask you a few questions. Did you not, in the last war between you and the British, divide the country? He gave one part to you,—the other he reserved for himself. We are well acquainted, that you are master of the lands, and you have now thought proper to return a large tract of the country to us again.

"Brothers! We leave the disposal of the country wholly in your breast. Make out the boundaries that shall divide the land between our nations, as we, the Wyandots, Delawares, and Shawanees, wish to know if we are entitled to any part of it. We wish to inform you of the impropriety of not fixing the bounds of every nation's rights, for the manner it now lies in, would bring on disputes forever, between the different tribes of Indians; and we wish to be by ourselves, that we may be acquainted how far we might extend our claims, that no one may intrude on us, nor we on them.

"Brothers! This speech we deliver you, is the unanimous opinion of the chiefs, the Wyandots, Ottawas, Delawares, and Six Nations of Sandusky, and the Delawares and Shawanees, from the waters of the Miami river.

"My nephews, the Delawares, and my younger brothers, the Shawanees, have further added to this speech; it is their wish from their hearts, that the present proposed plan should be left to your consideration, as you had pity on us in settling the present business in such a manner as you thought proper. You may rest assured brothers, that these are our sentiments.

J. WILLIAMS,
Agent and Commissioner for the Chiefs
and Warriors of Sandusky."

The Little Turtle, a Miami chief, arose and spoke as follows :

"Elder brother! and all you present! I am going to say a few words, in the name of the Pottawattamies, Weas, and Kickapoos. It is well known to you all, that people are appointed on those occasions, to speak the sentiments of others; therefore am I appointed for those three nations.

"Elder brother! You told your younger brothers, when we first assembled, that peace was your object. You swore your interpreters before us, to the faithful discharge of their duty, and told them the Great Spirit would punish them, did they not perform it. You told us it was not you, but the President of the Fifteen Fires of the United States, who spoke to us; that whatever he should say, should be firm and lasting; that it was impossible he should say what was not true. Rest assured, that your younger brothers, the Miamies, Ottawas, Chippeways, Pottawattamies, Shawanees, Weas, Kickapoos, Piankeshaws, and Kaskaskias, are well pleased with your words, and are persuaded of their sincerity. You have told us to consider of the boundaries you showed us; your younger brothers have done so, and now proceed to give you their answer. [A white string.]

"Elder brother! Your younger brothers do not wish to hide their sentiments from you. I wish them to be the same with those of the Wyandots and Delawares. You have told us, that most of the reservations you proposed to us, belonged to our fathers, the French and British. Permit your younger brothers to make a few observations on this subject.

"Elder brother! We wish you to listen with attention to our words. You have told your younger brothers, that the British imposed falsehoods on us, when they said, the United States wished to take our lands from us, and that the United States had no such design. You pointed out to us the boundary line, which crossed a little below Loramies'

store, and struck Fort Recovery, and ran thence to the Ohio river, opposite the mouth of Kentucky river.

"Elder brother! You have told us to speak our minds freely, and we now do it. This line takes in the greater and the best parts of your brothers' hunting ground; therefore, your younger brothers are of opinion, you take too much of their lands away, and confine the hunting grounds of our young men within limits too contracted. Your brothers, the Miamies, the proprietors of those lands, and all your younger brethren present, wish you to run the line, as you mentioned, to Fort Recovery, and to continue it along the road from thence to Fort Hamilton, on the Great Miami river. This is what your brothers request you to do; and you may rest assured of the free navigation of that river, from thence to its mouth, forever.

"Brother! Here is the road we wish to be the boundary between us. What lies to the east, we wish to be yours; that to the west, we would desire to be ours." [Presenting a road belt.]

"Elder brother! In speaking of the reservations, you say, they are designed for the same purpose as those, for which our fathers, the French and English, occupied them. Your younger brothers now wish to make some observations on them.

"Elder brother! Listen to me, with attention. You told us, you discovered, on the Great Miami, traces of an old fort. It was not a French fort, brother; it was a fort built by me. You perceived another at Loramies'; 'tis true a Frenchman once lived there, for a year or two. The Miami villages were occupied as you remarked; but it was unknown to your younger brothers, until you told them, that we had sold land there to the French or English. I was much surprised to hear you say, it was my forefathers had set the example to the other Indians, in selling their lands. I will inform you in what manner the French and English occupied those places.

"Elder Brother! These people were seen by our forefathers first at Detroit; afterwards we saw them at the Miami village—that glorious gate which your younger brothers had the happiness to own, and through which all the good words of our chiefs had to pass, from the north to the south, and from the east to the west. Brothers, these people never told us, they wished to purchase our lands from us.

"Elder Brother! I now give you the true sentiments of your younger brothers, the Miamies, with respect to the reservation at the Miami villages. We thank you for kindly contracting the limits you at first proposed. We wish you to take this six miles square, on the side of the river where your fort now stands, as your younger brothers wish to inhabit that beloved spot again. You shall cut hay for your cattle wherever you please, and you shall never require in vain the assistance of your younger brothers, at that place.

"Elder Brother! The next place you pointed to, was the Little River, and said you wanted two miles square at that place. This is a request that our fathers, the French or British never made us—it was always ours. This carrying place has heretofore proved, in a great degree, the subsistence of your younger brothers. That place has brought to us in the course of one day, the amount of one hundred dollars. Let us both own this place, and enjoy in common the advantages it affords. You told us at Chicago, the French possessed a fort; we have never heard of it. We thank you for the trade you promised to open in our country; and permit us to remark, that we wish our former traders may be continued, and mixed with yours. [A belt.]

"Elder Brother! On the subject of hostages, I have only to observe, that I trust all my brothers present are of my opinion, with regard to peace and our future happiness. I expect to be with you every day, when you settle on your reservations, and it will be impossible for me or my people

to withhold from you a single prisoner, therefore we don't know why any of us should remain here. These are the sentiments of your younger brothers present on these particulars." [A white string.]

Asimethe, a Pottawattamie chief, arose and spoke as follows:

"*Elder Brother!* You have heard the voice of your younger brothers present. I have nothing to add to what has been said. Where could I find a contrary opinion? I have only to hope that we may all experience the truth of what you have told us in the name of General Washington, who sent you. All our treaties hitherto, have failed; this, I am confident, will be lasting. These words come from the three fires, and we hope the Great Spirit may witness our sincerity." [A white string.]

Council adjourned.

Thursday, 30th July. In Council. Present as before. Asimethe thus resumed his address:

"*Elder Brother!* What I am about to say, is the voice of all present. You know the Great Spirit witnesses our words—I am afraid to tell an untruth. I have nothing to add to what has been said; it meets the full approbation of all your younger brothers. You know we have all buried the hatchet, together with our bad actions. Why, therefore, do you wish to detain hostages from among us? You may depend upon our sincerity. We cannot but be sincere, as your forts will be planted thick among us. Although an Indian, I respect the words of a good man; and when I pledge my faith, I do not deviate from my engagements. Your people with us will undoubtedly be restored as soon as possible: I cannot fix any precise period for their delivery, for perhaps I could not exactly fulfil my promises, and I should be sorry to give you cause to doubt my veracity.

The Shawanees, Miamies, and Delawares, who lived at the gate, and who caused all our misfortunes, have wisely

buried the hatchet forever: they wish to return to their former situation, and enjoy again their favorite abode.

"*Elder Brother!* Do not view my freedom with displeasure." [A white string.]

Kee-a-hah, a Kickapoo chief, arose and said:

"I am sent by my nation to hear what the assembled nations should say at this treaty; together with the words of our elder brother. I shall now speak a few words through the Little Turtle." [Presents a pipe to smoke.]

The Little Turtle said—

"*Elder Brother!* The United States, and you elder brothers present, look at this calumet—you see it is white. It is an instrument given to us Indians by the Great Spirit, to assist in communicating our sentiments to each other.

"*Elder brother!* I return you thanks for the good words you sent among us; in consequence of which we are here this day. We, the Kickapoos, and Kaskaskias, are happy in perceiving your humanity towards us. We see, with great pleasure, all our elder brothers now take you by the hand; and we sincerely hope your words to each other may never be violated. We present this calumet as a token of our lasting friendship towards you, and of our anxious desire that this good work may last for ever." [A pipe delivered.]

Mash-i-pi-nash-i-wish, chief of the Chippeways, arose and spoke as follows:

"*Elder brother,* listen to what I now say! Your younger brothers, that is, the Ottawas, Chippeways, and Pottawatamies, have told you that they were but one people, and had but one voice. They have said the truth, and what I now say is in the name of the three fires. You have asked of us, the island of Michilimackinac, and its dependencies, on the main, where the fort formerly stood; they are ceded to you, for ever, with the utmost cheerfulness. You have also asked a piece of ground, at the entrance of the straits, to cut your wood on, and for other necessary purposes;

this is also granted to you; and I further add to it, the *Isle de Bois Blanc*, as an instance of our sincere disposition to serve and accommodate you.

You know, brother, when the French formerly possessed this country, we were but one people, and had but one fire between us; we now entertain the hope of enjoying the same happy relation with you, the United States. Your brothers present, of the three fires, are gratified in seeing and hearing you; those who are at home will not experience that pleasure until you come and live among us: you will then learn our title to that land; you will then be convinced of my sincerity, and of the friendship and strength of our nations.

This, elder brother, is all I have to say at present. We all know that the good work of peace is accomplished: I only address these few words to you that all nations present may again hear the sentiments of the three fires, and understand them perfectly." [A blue and white string.]

The Little Beaver, a Wea chief, arose and said:

"*Elder brother!* You already know what I am about to say. I have got a cold; I cannot speak well at present; my brother, the Little Turtle, will speak for me."

The Little Turtle—

"*Elder brother!* Here are papers which have been given to me by General Washington, the Great Chief of the United States. He told me they should protect us in the possession of our lands, and that no white person should interrupt us in the enjoyment of our hunting grounds, or be permitted to purchase any of our towns, or lands, from us; that he would place traders among us who would deal fairly. I wish you to examine these papers.

"*Elder brother!* You have asked for a reservation at the Ouistanon; I hope you will put a trader there, on the spot formerly occupied by one. We would wish captain Prior to be our trader. I can't give you any lands there, brother; I will lend you some as long as you want it.

"Elder brother! You have told us of a place possessed by the French, called Musquiton. We have lived at our village a long time, and it is very surprising that we should never know anything about it. The French lived at Vincennes, where they were permitted to settle by my forefathers, who told them they should have a small quantity of land for the cattle, &c. on the east, but none on the west side of the Wabash." [A white string.]

Masasa, a Chippeway chief, arose and said—

"All you my brothers present! When the chiefs of my village sent me hither to hear your proceedings in council, they told me I could not see the extent of the American fires; that they believed their elder brother had called them together in pity to them, their women and children, and they enjoined the three fires to speak with one voice, and do their utmost to forward the good work; saying, that they had seen several treaties, heretofore made with the United States, which the Indians had always violated, by taking up the hatchet.

"Elder brother! I have listened to all your words, and to those of my brothers. It would be very wrong in me to raise objections to what has been done, as you have explained to us your treaty with Britain.

"Elder brother! You say, at the Fort of Detroit, you intend to take a piece of land six miles deep, from the river Racine to Lake St. Clair. I now ask you what is to become of our brothers, the French, who live on this land? We look on them as our brothers and friends, who treated us well, when abused by the British. We wish to know your sentiments on this subject. We think, brother, you could find land enough between the rivers Raisin and Rouge. We have no objection to your reservation at the foot of the Rapids. We have no objection to any other proposition you have made; and we sincerely wish we could now take you among us, because the British, on our return, will renew their old songs.

"Elder brother! My children must have suffered since I left home; perhaps I myself may be made unhappy, on my return to them; for the British may probably say, why don't you seek relief from your new friends? This makes me uneasy, and urges me to entreat you to come immediately, and live nearer to us. You might then assist us, and it would be more convenient for the surrender of our prisoners. I hope you pity my situation. When I returned from the treaty of Muskingum, McKee threatened to kill me; I have not now less cause to fear him, as he endeavored to prevent my coming hither:

"Elder brother! You asked who were the true owners of the lands now ceded to the United States. In answer, I tell you, that if any nations should call themselves the owners of it, they would be guilty of a falsehood; our claim to it is equal; our elder brother has conquered it.

"Brothers! Have done trifling. Let us conclude this great work; let us sign our names to the treaty now proposed, and finish our business.

"Elder brother! If I can escape the snares of McKee, and his bad birds, I shall ascend as high as the Falls of St. Mary's, and proclaim the good tidings to all your distant brothers in that quarter." [A belt.]

The General spoke as follows:

"Younger brothers, all of you, listen with attention! I shall now reply to what was said yesterday by the Wyandots. I will then answer the observations of the Little Turtle, made in behalf of the Miamies and Wabash tribes.

"Younger brothers, the Wyandots, Delawares and Shawanees! I am pleased to hear you say with one voice, for the second time, that I have done the greatest justice to you, in dividing the lands of the United States from those of the Indian nations, by the boundary line which I have proposed. You request me to fix the boundaries that shall divide the lands between the respective tribes of Indians now present.

"Younger brothers! A moment's reflection will show you the impropriety, as well as the impossibility of my acting in this business. You Indians best know your respective boundaries.

"I particularly recommend to all you nations present, to continue friendly and just to each other; let no nation or nations, invade, molest or disturb, any other nation or nations in the hunting grounds they have heretofore been accustomed to live and hunt upon, within the boundary which shall be now agreed on. And, above all, I enjoin that no injury be offered to any nation or nations, in consequence of the part any or either of them may have pursued, to establish a permanent and happy peace with the United States of America.

"Younger brothers, the Wyandots and other Indians of Sandusky, make your hearts and minds easy. Be assured, that as soon as circumstances will permit, a fort shall be established on the reserved lands, near the entrance of Sandusky Lake, which will always afford you protection against the common enemy, should any such presume to disturb our peace and mutual friendship.

"Younger brothers, the Miamies! I have listened to you with attention, and have heard your observations upon the general boundary line proposed by me, as well as upon the proposed reservations. If my ears did not deceive me, I have heard all the other nations give their assent to the general boundary line, and to the reservations generally; I therefore address you, the Miamies: You say that the general boundary line, as proposed by me, will take away some of your best hunting grounds, and you propose to alter it, and run it from Fort Recovery, through the centre of this place, and along the road to the Miami river, opposite Fort Hamilton.

"Younger brothers! This would be a very crooked, as well as a very difficult line to follow, because there are several roads between this and Fort Hamilton, some of

them several miles apart, which might certainly be productive of unpleasant mistakes and differences. That which I propose will be free from all difficulty and uncertainty. You all know Fort Recovery, as well as the mouth of Kentucky river. A straight line drawn from one to the other, will never vary; they are two points which will ever be remembered, not only by all present, but by our children's children, to the end of time. Nor will this line prevent your hunters, or young men in the smallest degree from pursuing all the advantages which the chase affords, because, by the seventh article, the United States of America grant liberty to all the Indian tribes, to hunt within the territory ceded to the United States, without hindrance or molestation, so long as they demean themselves peaceably, and offer no injury to the people of the United States.

"I find there is some objection to the reservation at Fort Wayne. The Little Turtle observes, he never heard of any cessions made at that place, to the French. I have traced the lines of two forts at that point; one stood near the junction of the St. Joseph's and the St. Mary's; and the other not far removed, on the St. Mary's; and it is ever an established rule, among Europeans, to reserve as much ground around their forts as their cannon can command;—this is a rule, as well known as any other fact.

"Objection has also been made respecting the portage between Fort Wayne and Little river; and the reasons produced are, that the road has been to the Miamies a source of wealth—that it has heretofore produced them one hundred dollars per day. It may be so; but let us enquire who in fact paid this heavy contribution. It is true, the traders bore it in the first instance, but they laid it on their goods, and the Indians of the Wabash really and finally paid it; therefore, it is the Little Beaver—the Soldier—the Sun, and their tribes, who have actually been so highly taxed. The United States will always be their own carriers, to, and from, their different posts. Why should the United States

pay the large sum of eight thousand dollars, annually, if they were not to enjoy the privilege of open roads to, and from their reservations? This sum of money, the United States agree to pay for this, and other considerations; and the share which the Miamies will receive of this annuity, shall be one thousand dollars.

"I will then enquire, of all the nations present, whether the United States are not acting the part of a tender father, to them and their children, in thus providing for them; not only at present, but for ever?

"The Miamies shall be at liberty, as usual, to employ themselves for private traders whenever their assistance may be required, and those people who have lived at that glorious gate (the Miami villages) may now rekindle their fires at that favorite spot, and henceforth, as in their happiest days, be at full liberty to receive from, and send to, all quarters, the speeches of their chiefs as usual—and here is the road the Miamies will remember." [A road belt.]

"Now, all ye chiefs and warriors, of every nation present, open your ears, that you may clearly hear the articles of treaty, now in my hand, again read, and a second time explained to you, that we may proceed to have them engrossed on parchment; which may preserve them forever."

[The articles of treaty were here a second time read, and explained by the General, who observed upon]

The article respecting hostages:

"I did not expect any objections to this particular; for I see no reason why you should hesitate at leaving ten of your people with me, until the return of our people, from among you. The promise of a mutual exchange of prisoners made last winter, when we met at this place, you have not performed on your part: I have kept none of your flesh and blood; nor would General Washington, the Great Chief of the United States, suffer me so to do. The period will be short, and those who remain shall be kindly treated."

On the Ouistatan reservation:

"The Little Beaver has asked for Captain Prior, to reside as a trader at Ouiatanon; he shall reside at that place. But Captain Prior is a warrior, not a trader; he shall have a few warriors with him to protect the trade and the Indians in that quarter."

On the reservation at Detroit:

Masass has asked, what will become of the French? The United States consider the French and themselves as one people; and it is partly for them, and their accommodation, that this reservation is made, whenever they become citizens thereof, as well as for the people of the Fifteen Fires."

On the gift of the Isle de Bois Blanc:

"In addition to the cessions which the three fires have made, with such cheerfulness, of the reservations in their country, Mash-i-pi-nash-i-wish has, in their name, made a voluntary gift to the United States, of the Isle de Bois Blanc, in Lake Michigan. The Fifteen Fires accept of this unasked-for grant from the Ottawas, Chippeways, and Pottawattamies, according to their intentions; and will always view it as an unequivocal mark of their sincere friendship.

"The Little Turtle yesterday expressed a wish that some of their former traders might be continued among them, as a part of the number to be licensed by the United States. This is very fair and reasonable, and a certain number will be licensed accordingly, when properly recommended as good and honest men.

"*Brothers!* All you nations now present, listen! You have now had, for a second time, the proposed articles of treaty read and explained to you. It is now time for the negotiation to draw to a conclusion. I shall, therefore, ask each nation, individually, if they approve of, and are prepared to sign, those articles, in their present form, that they may be immediately engrossed for that purpose. I shall begin with the Chippeways.

"You Chippeways, do you approve of these articles of treaty, and are you prepared to sign them?"

[A unanimous answer,] "Yes."

"You, Ottawas do you agree?" ditto, "Yes."

"You, Pottawattamies?" ditto, "Yes."

"You, Wyandots, do you agree?" ditto, "Yes."

"You, Delawares?" ditto, "Yes."

"You, Shawanees?" ditto, "Yes."

"You, Miamies, do you agree?" ditto, "Yes."

"You, Weas?" ditto, "Yes."

"And you, Kickapoos, do you agree?" ditto, "Yes."

"The treaty shall be engrossed; and as it will require two or three days to do it properly, on parchment, we will now part, to meet on the 2d of August. In the interim, we will eat, drink, and rejoice, and thank the Great Spirit for the happy stage this good work has arrived at."

Council adjourned.

July 31st. The Red Pole, with eighty-eight Shawanees, and Tey-yagh-taw, with seven Wyandots, nine of the Six Nations, and ten Delawares, arrived from the vicinity of Detroit, and were received.

August 2d. In Council. Present as before, with the addition of the Shawanees, Wyandots, &c., who arrived on the 31st ultimo. The Red Pole, a Shawanee chief, arose and spoke as follows:

"I am very happy to see you all, my brothers, here assembled. I am come late, but I come with a good heart. I am well pleased to hear of the good work you have agreed upon, with our elder brother, the Fifteen Fires, and thank you for the pity you have shown for our helpless women and children, whom we have left behind."

The General arose and spoke as follows:

"*Younger Brothers!* I have received a letter from your ancient friends and brothers, the people called Quakers, with a message to all the nations here assembled. The

Quakers are a people, whom I much love and esteem, for their goodness of heart, and sincere love of peace, with all nations. Listen then to their voice, and let it sink deep into your hearts."

[Here the General read the address of the people called Quakers, and the invoice of their present.]

"Their present, you perceive, is small; but being designed with the benevolent view of promoting the peace and happiness of mankind, it becomes of important value. They wish it to be regarded merely as a token of their regard for you, and a testimony of their brotherly affection, and kind remembrance of you.

"*Younger brothers!* The articles of treaty are not yet completely engrossed; they will be ready by eight o'clock to-morrow morning, when we will again meet here, read the treaty once more, and proceed to the act of mutually signing, and exchanging it. The Shawanees and Wyandots, who arrived the day before yesterday, will then hear what we have all agreed upon, and be equally convinced with all the others, of the liberality of the articles."

Blue Jacket, a Shawanee chief, arose and spoke as follows:

"*Elder brother*, and you my brothers present! You see me now present myself, as a war-chief, to lay down that commission, and place myself in the rear of my village chiefs, who, for the future, will command me. Remember, brothers, you have all buried your war-hatchets; your brothers, the Shawanees, now do the same good act. We must think of war no more.

"*Elder brother!* You now see that all the chiefs and warriors around you, have joined in the good work of peace, which is now accomplished. We now request you to inform our elder brother, General Washington, of it, and of the cheerful unanimity which has marked their determinations. We wish you to enquire of him if it would be agreeable that two chiefs from each nation should pay him

a visit, and take him by the hand; for your younger brothers have a strong desire to see that great man, and to enjoy the pleasure of conversing with him." [A blue string.]

The General thus replied:

"*Brothers, the Shawanees*, and all you other nations! I am confident the heart of the great chief, General Washington, will be rejoiced when he hears that you have unanimously joined in the good work of peace. The instrument we will sign to-morrow shall be an everlasting record of the good action—one part of which I will immediately transmit to him. I will, with pleasure, make the enquiries you desire, and communicate the answer to you whenever I receive it."

Council adjourned.

August 3d. In Council. Present as before.

The General rose and spoke as follows:

"*Younger brothers!* When this council fire was first kindled, my commissions and authority for holding this treaty were read, and explained to all then present; but, as several chiefs had not at that time arrived, I shall now read them a second time, for the perfect satisfaction of all."

[The General here again exhibited and explained his powers.]

"That I have strictly performed my duty, in fulfilling those instructions, and that they were manifestly calculated to establish the peace and happiness of all the Indian nations now present, will appear by the engrossed articles of treaty, unanimously agreed to, and now before us. They shall now be read a third time, that all may be perfectly acquainted with them.—Therefore listen!

[The engrossed articles were here read; the signing commenced and finished; and the General thus proceeded:]

"*Younger brothers!* Having completed the signing of this

treaty, one part of it shall be delivered to the Wyandots, who will preserve it as a sacred pledge of the establishment of our future friendship; the other, or counterpart, I will send to the great chief, General Washington. In addition, one copy on paper shall be delivered to each nation, for their frequent and particular information. We will now proceed to apportion the goods designed to be given to you, and I hope to be prepared for their delivery in a day or two. Some assistance must be afforded to the Chippeways, and other remote tribes, to facilitate the transportation of their proportions. We will, for the present, retire, and we will have a little drink this evening."

Mashipinashiwish, chief of the Chippeways, arose and said:

"*Elder brother!* I now see that all is settled. It affords us a great deal of pleasure. I hope you feel equally gratified. I repeat our entire satisfaction, that all present may know it. We, the three fires, have never done you any harm. With the same good heart I met you here, I will depart and return home. You will find the truth of these words, when you come and live among us. You must not believe ill of me.

"*Elder brother!* I hope you will listen with attention to my words, and have pity on me. I have a request to make of you. You know I have come a great distance to assist in this good work, and as it is now happily completed, I hope you will deliver to us our friend, whom you sent from hence into confinement. We would be grieved to leave him in durance behind us, for he has been friendly to us. This is the request of your brothers, the three fires."

Council adjourned.

August 7th. In Council. Present as before. The General arose, and spoke as follows:

"*Brothers,* all nations now present! You have all smoked out of this calumet, when we first opened council at this place, except the Shawanees. I will, therefore, smoke with

the Shawanees, and with some of the Wyandots who arrived late.

"Listen, all you sachems, chiefs, and warriors! Lift up your eyes, and behold these instruments of writing, to which the Wyandots, Delawares, Shawanees, Ottawas, Chippeways, Pottawattamies, Miamies, Eel Rivers, Weas, Kickapoos, Piankeshaws, and Kaskaskias, have set their hands and seals, that they may be handed down to your children's children, as a memorial of the happy peace thereby established. When your posterity shall hereafter view these records, they will be informed, that you were the great people that accomplished this blessed work, to insure to them, peace and happiness forever. One of these I shall transmit to General Washington; the other, I shall deposite, agreeably to your own desires, with your uncles, the Wyandots. A true copy, on paper, shall now be given to each nation. This large belt, and this seal, will accompany the original instrument, and will declare its sacred and important value.

"The next business, will be the distribution of the goods and presents promised by treaty. To-morrow, the Wyandots shall receive their proportion; the other nations will be sent for in order, as they signed, as soon as we are ready to deliver them. It will make no difference to any, *who* is first served, or *who* last; all shall have their due proportion. I have only to recommend a just and equal distribution among your respective nations.

"Independent of this general delivery, and as a reward for the good disposition to peace, of some chiefs and nations, early evinced, I shall make some further presents, which must be considered as private property, to those who shall receive them, and as testimonies of particular regard. In return for the generous and unasked for present of the Chippeways, of the Isle de Bois Blanc, the Fifteen Fires will make them an acknowledgement to show that they will never be out-done in kindness.

"I have to exhort you to take every measure to restrain your young men from the bad practice of stealing horses from those who are their friends. Some Frenchmen, who accompanied you to this place, have complained to me of having had their horses stolen since their arrival. This is ungrateful and disgraceful.

"Be all now attentive! This letter in my hand, informs me, that some very bad Indians indeed, regardless of the good work we have been engaged in, have barbarously surprised and murdered an innocent family, who thought themselves secure from harm, whilst negotiations for peace engaged your attention. This grieves me very much. By an article of the agreement entered into last winter, we were mutually to inform each other of any harm intended, which should come to our knowledge, and do our utmost to prevent it. And it is expressly stipulated in this treaty, that similar conduct shall be pursued by both parties;—that for injuries done, no private or personal retaliation shall take place, but complaint shall be made by the party injured, to the other, &c.

"I do, accordingly, at this time, complain to you of the bad conduct of those bad people, and desire you, who live nearest to them, to exert your powers to restrain their practices, and correct their lives. I fear if they are permitted to continue uncontrolled, much mischief will ensue. They are a small lawless banditti, who insult your authority, at the same time they injure the United States by their savage and inhuman practices. Our people, roused and provoked by their depredations and cruelties, will follow them into their country, to punish them as they merit; and should they, in their pursuit, fall in with any of you or your people who are our sincere friends, they might not be able to distinguish one from the other, and would probably wreak their vengeance on their innocent brothers, and hurt them, when they meant to chastise those guilty aggressors only.

Tarkee, chief of the Wyandots, arose and spoke as follows:

"*Brothers, listen,* and you also, brothers of the different nations present. The Great Spirit above, has appointed this day for us to complete all the good work, in which we have been engaged. You remember, that some time ago, our brother, *the American*, rose up and thanked the Great Spirit above, for conducting the good work so far as it then was; and he desired of us to know whether we would acknowledge him, the Fifteen United States, to be our father; but we have not yet returned him an answer. Now, this day the good work is completed. I inform you all, brother Indians, that we do now, and will henceforth, acknowledge the Fifteen United States of America, to be our father, and you will all for the future, look upon them as such—you must call them brothers no more. The Great Spirit has crowned them with success in all their undertakings.

"*Father!* You see we all now acknowledge you to be our father. I take you by the hand, which I offer as a pledge of our sincerity, and of our happiness, in becoming your children.

"*Father!* Listen to your children here assembled; be strong now, and take care of all your little ones. See what a number you have suddenly acquired. Be careful of them and do not suffer them to be imposed upon. Don't show favor to one to the injury of any. An impartial father, equally regards all his children; as well those who are ordinary, as those who are more handsome; therefore, should any of your children come to you crying and in distress, have pity on them and relieve their wants.

"Now, all my brothers present, you see that we have acknowledged and called on the United States, as our father. Be strong, brothers, and obedient to our father; ever listen to him when he speaks to you, and follow his advice. I now deliver this wampum, in presence of you all, as a token of our being now, the children of the Fifteen Fires."
[A large string, blue and white.]

The General rose and said—

"Listen! all you nations, to what your uncle, the Wyandot, has said. [Tarkee's speech was here interpreted to each nation.]

"Listen! all you nations present. I have hitherto addressed you as brothers; I now adopt you all, in the name of the President and Fifteen Great Fires of America, as their children, and you are so accordingly. The medals which I shall have the honor to deliver you, you will consider as presented by the hands of your father, the Fifteen Fires of America. These you will hand down to your children's children, in commemoration of this day—a day in which the United States of America, gives peace to you, and all your nations, and receives you and them under the protecting wings of her eagle."

Council adjourned.

August 8th. In Council. Present as before.

The Sun, a Pottawattamie chief, arose and said:

"Father! I now speak to acquaint you, and all present, that I am perfectly satisfied with all that has been done in this council. You have told us to bring in our prisoners, without delay. I have not one in my village—I never took any. You further told us, if any of your people injured us you would punish them, and enjoined on us a similar conduct as it respected our offenders.

"Father! I have not the same authority over my people that you exercise over yours. They live dispersed, and it is difficult to reach them on all occasions. As you have now become our father, we are no longer objects of pity; as your children, we shall be happy; whilst you continue to protect us. When the British adopted us as children, they made false promises, and left us to the mercy of the traders, who took advantage of and much abused our ignorance and weakness. You have promised to send traders among us by whom we will not be abused; and we have promised to protect their lives and property. We are happy, father, and thank you for your kindness to your children. I now

ask you to send a trader to my village, which is a day's walk below the Wea towns, on the Wabash. You said that you would send one of your officers, to command at those towns. We would wish you to send Captain Ouiatanon, (Prior,) and should any meditated mischief come to my knowledge I will immediately acquaint him of it, agreeably to our compact. All your children present have the articles of the treaty fully and indelibly impressed on their hearts, and should bad birds attempt to misconstrue or pervert them, we promise, sincerely, not to listen to their designing, artful songs.

"*Father!* We, the Pottawattamies present, are in three classes: one from the river Huron, one from St. Joseph's, and that to which I belong, from the Wabash; and as you intend to give the goods designed for us, in bulk, to that nation, I am afraid the division amongst ourselves will be attended with difficulty and discontent. I pray you, father, to make the division among us, and thus preserve proportion and harmony." [A belt.]

The New Corn, a Pottawattamie chief, spoke as follows: "My friend, when I first came here, I took you by the hand. You welcomed me, and asked me for my great war chiefs. I told you they were killed, and that none remained but me, who have the vanity to think myself a brave man and a great warrior. The Great Spirit has made me a great chief, and endowed me with great powers. The heavens and earth are my heart, the rising sun my mouth, and, thus favored, I propagate my own species!" [This is the Nestor of the wilderness, possessed of all the garrulity of age.] "I know the people who have made and violated former treaties. I am too honorable and too brave a man to be guilty of such conduct. I love and fear the Great Spirit. He now hears what I say. I dare not tell a lie.

"Now, my friend, the Great Wind, do not deceive us in the manner that the French, the British, and the Spaniards have heretofore done. The English have abused us much;

they have made us promises which they never fulfilled; they have proved to us how little they have ever had our happiness at heart; and we have severely suffered, for placing our dependence on so faithless a people. Be you strong, and preserve your word inviolate; and reward those Frenchmen who have come so great a distance to assist us. My friend: I am old, but I shall never die; I shall always live in my children, and children's children." [A string.]

Mash-i-pi-naah-i-wish, chief of the Chippeways, thus spoke:

"*Father!* The good work being now completed, we are left without a subject to employ our conversation. You see your children, the Ottawas, Chippeways, and Pottawatamies, around you. Those at home will rejoice, when we inform them, that, for the future, they will enjoy the protection of a new father. Our happiness is great, in being permitted to address you, by that endearing appellation. Father, since we have been here, some mischief has been done. We are entirely ignorant of the perpetrators. It grieves us much, and excites our anger and indignation. Time will discover to you, and to us, those wicked disturbers, who richly merit punishment. I have to request you to license a trader to reside with your children, at Ki-ka-na-ma-sung, where we shall pass the ensuing winter. I have never been guilty of stealing horses; nor shall I now commence the practice. But as I am an old man, I would ask you for one to carry me home."

Wille-baw-kee-lund, a Delaware chief, spoke as follows:

"*Father!* Listen to a few words from the Delawares. This is the speech you gave us, when you first came into this country; and when we first met together in council. In this, you told us, we should live in peace and friendship with each other, and join our hands firmly together. It seems they were badly bound; for the ties were soon broken. We know not, exactly how, or when, they were

destroyed. We will now renew them, in so strong a manner, that they will last forever, and bury in oblivion all past misfortunes. Be strong in this good work, and it will never fail. This belt was presented to us, from brothers; and our king now shows it to you; that you may recognise it."

Okia, a Pottawattamie chief, arose and spoke as follows:

"*Father!* I come from the River Huron, near Detroit. My fathers have long possessed that country. The other Pottawattamies present, live on the St. Joseph's, and in that direction. All my old chiefs are dead; you therefore see young chiefs only, from my towns, who are unaccustomed to speak in council. You told us, you would deliver the presents in bulk to the Pottawattamie nation. In this case, I am afraid my people will not get a due proportion, and I am too proud to complain to you, should they be unfairly distributed; therefore, as I live detached from the others, and intend to return home with the Chippeways, by the way of Fort Defiance, I beg my father would let me have my proportion separately; for we have many young women and children at home, to whom I shall be very happy to deliver the presents of their father. I wish much to carry with me a copy of the treaty, to show my people. Living so far from the rest of my name, I can derive no advantage from the one you have given to our nation generally; and I should be ashamed, and mortified, to return without one. I would request a trader for my village, and would wish for Mr. La Chambre, with whom we are long acquainted." [A belt.]

Te-ta-boksh-ke, king of the Delawares, spoke as follows:

"*Father!* You have in your prison a man (Newman) who came in to us about a year ago, and proved the preservation of many of our women and children, by the information he gave us: for this we cannot help feeling grateful. Now, your children, the Delawares, all beg of you to spare the life of this man, as he has been instrumental in saving many of us from destruction. We hope, father, you will

grant this first request of your children, the Delawares."
[A string.]

The General arose and spoke as follows:

"*My children, the Pottawattamies!* I wish you to endeavor to make among yourselves an amicable, and fair division of the goods intended for you. It would be a very difficult task for me to perform with justice. You are acquainted with your own people and their numbers. I am not well enough informed on this head to make a true apportionment. I wish all the other nations to act in a similar manner, and to make a distribution to the satisfaction of their respective people. I wish each nation to appoint two confidential people from among themselves, to receive the goods, and to give receipts to the store-keeper, who will thereby convince me of his having justly delivered them."

Council adjourned.

August 8th, afternoon. The medals, silver ornaments, &c. were delivered. No material or other than complimentary conversation took place.

August 10th. In Council. Present as before.

The Red Pole, a Shawanee chief, spoke as follows:

"You, my uncles, the Wyandots; my grandfathers the Delawares, and all you nations present; you see, we are now here from all parts of this great island. You happily accomplished the good work before we the Shawanees arrived: I thank you all for it. I now present to your view the wampum given to me by our elder brother, now become our father. He gave it to us from his heart, and I hope you will, for the future, view him as our true father. We must, for the future, live in harmony with him, and one another. The Great Spirit gave us this land in common; he has not given the right to any one nation to say to another, this land is not yours, it belongs to me.

"*Father!* I have heard every thing which has been here transacted. Peace is firmly established. It affords me satisfaction and happiness that the hatchet is cast away for-

ever. I have reason to believe that the mischief which has been lately done, has been committed by a small party of Shawanees, who have been in the woods a long time hunting. It grieves us much, that while we are here, accomplishing the good work of peace, some of our own people are yet deaf to our advice. And to convince you, that we will never permit such practices, I now offer to leave with you, my aged father, as a hostage, and proceed immediately, myself, to call home those people, and take measures to prevent their future misconduct. I have just returned from an absence of two years, to the southward, and in that period, my young men, uncontrolled by their other chiefs, have fallen into bad practices;—but they shall have an immediate end.

“All my brothers present! As the peace is now entirely completed, and as our father, of the Fifteen Fires, has adopted us, as his children, and called us by that name; I now tell him, in presence of you all, that we, the Shawanees, do acknowledge the Fifteen Fires as our father; and that henceforth, we will always regard him as such.” [A white string.]

“You, my uncles, and grandfather, have settled with our father, the boundary line, in a manner which meets my entire approbation. I am perfectly satisfied with it; and it appears you had our common interest in view.

“*Father!* As all the nations are now present, they can never hereafter deny their own work, nor say, that other people acted for them, without authority. I, therefore, recommend to them to fulfil, strictly, their agreements, and adhere religiously to their engagements.” [A belt.]

The General arose and spoke as follows:

“*Children, all you nations, listen!* By the seventh article of this treaty, all the lands now ceded to the United States, are free for all the tribes now present, to hunt upon, so long as they continue to be peaceable, and do no injury to the people thereof. It is, therefore, the common interest

of you all, to prevent any mischief being done upon those hunting grounds. Those people who have committed the late outrage, on our peaceable inhabitants, had been hunting on those grounds, and, after finishing their hunt, proceeded to the commission of the bad actions of which I have complained. These practices, for the reasons I have already given you, must have an immediate end.

"The Red Pole has behaved like a candid, honest man, in acknowledging the errors of his people, and in promising to restrain them immediately. He has done more; he has offered to leave his own father, as a hostage, until he can inform me of his having called them home. But I will not separate him from his old father; I will depend upon his honor, for the performance of his promise." [A white string to the Red Pole.]

"All, you my children, listen to me! The great business of peace so long and ardently wished for by your great and good father, General Washington, and the Fifteen Fires, and I am sure, by every good man among you, being now accomplished; nothing remains but to give you a few words of advice from a father, anxious for the peace and happiness of his children. Let me earnestly exhort you, to restrain your young people from injuring, in any degree, the people of the United States. Impress upon their minds the spirit and meaning of the treaty now before us. Convince them how much their future welfare will depend upon their faithful and strict observance of it. Restore to me, as soon as possible, all my flesh and blood which may be among you, without distinction or exception; and receive now from my hands, the ten hostages stipulated by the second article to be left with me, as a security for their delivery. This unequivocal proof of the confidence that I place in your honor, and in the solemn promises you have made me, must satisfy you of my full persuasion of your sincerity. Send those ten young men to collect your prisoners; let them bring them to me, and they shall be well

rewarded for their trouble. I have here a particular account of the number remaining among you, and shall know when they are all restored.

"I now fervently pray to the Great Spirit, that the peace now established may be permanent; and that it may hold us together in the bonds of friendship, until time shall be no more. I also pray, that the Great Spirit above, may enlighten your minds, and open your eyes to your true happiness, that your children may learn to cultivate the earth, and enjoy the fruits of peace and industry." [A white string.]

"As it is probable, my children, that we shall not soon meet again in public council, I take this opportunity of bidding you all an affectionate farewell; and of wishing you a safe and happy return to your respective homes and families." [A string.]

Bu-kon-ge-he-las, a Delaware chief, spoke as follows:

"*Father!* Your children all well understand the sense of the treaty which is now concluded. We experience, daily, proofs of your increasing kindness. I hope we may all have sense enough to enjoy our dawning happiness. Many of your people are yet among us; I trust they will be immediately restored. Last winter our king came forward to you, with two, and when he returned with your speech to us, we immediately prepared to come forward with the remainder. All who know me, know me to be a man and a warrior; and I now declare, that I will, for the future, be as strong and steady a friend to the United States, as I have heretofore been an active enemy. We have one bad young man among us, who, a few days ago, stole three of your horses. Two of them shall this day be returned to you; and I hope I shall be able to prevent that young man from doing any more mischief, to our father, the Fifteen Fires."

Mash-i-pi-nash-i-wish, chief of the Chippeways, spoke as follows:

"*Father!* I have heard, and understood, all that you have said. I am perfectly satisfied with every part of it; my heart will never change. No prisoners remain in our hands, in the neighborhood of Michilimackinac. Those two Frenchmen present (Messieurs Sans Crainte and Pepin,) can witness to the truth of this assertion."

Masass, a Chippeway chief, rose and spoke as follows:

"I have heard all the proceedings, relating to this treaty. I express my perfect satisfaction at its happy conclusion. When I relate at home, the important event, my people will stretch out their arms towards you; and when I shall have informed them that you have promised to cherish them as your children, they will rejoice at having acquired a new, and so good a father."

Council adjourned, *sine die*.

It appears from a "return of the numbers of the different nations of Indians present at, and parties to, the treaty of Greenville," that there were one hundred and eighty Wyandots, three hundred and eighty-one Delawares, one hundred and forty-three Shawanees, forty-five Ottawas, forty-six Chippeways, two hundred and forty Pottawattamies, seventy-three Miamies and Eel Rivers, twelve Weas and Piankeshaws, and ten Kickapoos and Kaskaskias,—making a total of eleven hundred and thirty.

Immediately after the signing of the treaty, General Wayne sent the following proclamation

"To the Cherokees now settled on the head waters of the Scioto.

"Whereas, I, ANTHONY WAYNE, Major General, commanding the army of the United States, and sole Commissioner for settling a permanent peace with all the Indian tribes north-west of the river Ohio, having accomplished that great and good work, and having this day signed and exchanged articles of a permanent peace, with the Chippeways, Ottawas, Pottawattamies, Wyandots, Delawares, Shawanees, Miamies, Eel River, Weas, and Kickapoo nations of Indians:

"Do, hereby, once more invite you, the Cherokees, residing on the waters of the Scioto, to come forward, immediately, to this place, and enter into similar articles of peace; for which purpose, I now send Captain Longhair, a principal Cherokee chief, to conduct you to head quarters, where you shall be received in friendship, and treated with kindness and hospitality. Captain Longhair will give you the particulars respecting this treaty, as also those of a treaty of peace lately made between the United States and the Cherokee nation, so that you now stand alone and unprotected, unless you comply with this last invitation.

Given at Head-quarters, Greenville, 3d August, 1795.

ANTHONY WAYNE."

In consequence of the above message, some of this party of Cherokees returned to Greenville, with Captain Longhair, and afterwards accompanied him home, to their nation. The remainder promised to hunt peaceably on the Scioto, until their corn was fit to gather, when they would quit this side of the Ohio forever, and return to their own country.

At a private conference on the 12th August, with the Miamies, Eel River, and Kickapoo Indians, the Little Turtle, in the name of the others, observed, that as they intended soon to depart, and return to their respective homes, he took this opportunity of repeating to the General, that he, himself, and the Indians with him, were perfectly acquainted with every article of the treaty, that no part of it had escaped their serious and anxious deliberation; that, in the early stage of the negotiation, he had not comprehended the moderation and liberality with which he was now convinced, it is dictated; that to this cause, and to a duty which he conceived he owed his country, must be attributed the opposition he exhibited on sundry occasions; that he was persuaded his father would not think unkindly of him for it, for he had heard him with much pleasure, approve of the freedom with which he delivered his sentiments; that he was a man who spoke as he thought, and a man of sin-

cerity; and that he embraced this last occasion, to declare, that as he was fully convinced that the treaty was wisely and benevolently calculated to promote the mutual interest and insure the permanent happiness of the Indians, and their father the Americans, so it was his determined resolution, to adhere, religiously, to its stipulations.

He asked for traders to reside at their different villages, and mentioned the names of some, who, from the confidence they had in their integrity, they wished might be licensed and continued by the United States, as traders among them; he hoped, (for the Weas particularly,) that a fort would be immediately established at Ouiatanon, and promised every assistance they could afford, to the establishment; that he, himself, would reside near Fort Wayne, where daily experience should convince his father of his sincere friendship; and that, as he intended to rekindle the Grand Council Fire at that place, by means of which, the different nations might communicate with each other as usual, he requested his father to give orders to the commandant of Fort Wayne, to inform him from time to time, of any measures which the Great Council of the Fifteen Fires might adopt, in which the interest of their children should be concerned; and he asked, that Mr. Wells might be placed there as a resident interpreter, as he possessed their confidence, as fully as he did that of their father.

On the 9th September, a party of Shawanees, consisting of between sixty and seventy warriors, who had hitherto proved refractory and hostile, arrived at Greenville, with four prisoners,—three of whom they captured on the 13th July, 1795, in Randolph county, Virginia. On the 11th, the General gave them audience, when Puck-se-kaw (or Jumper,) one of their chiefs, spoke as follows:

"My father! I have been in the woods a long time; I was not acquainted with the good works which were transacting at this place, by you and all our great chiefs.

"Last spring, when we were hunting peaceably, our camp

on the Scioto was robbed; we are very poor, and the mischief that has since been done, was in retaliation for the injuries we then sustained.

"As soon as I received this belt, which you sent me by Blue Jacket, one of our great chiefs, and as soon as I was informed by him that the good work of peace was finished, I arose to come and see you, and brought with me these four prisoners. I now surrender them up to you, my father, and promise, sincerely, that we will do no more mischief.

"I hope, that for the future, we shall be permitted to live and hunt, in peace and quietness. We were poor ignorant children, astray in the woods, who knew not that our nation, and all the other tribes of Indians, had come in and made peace with you. I thank the Great Spirit for at length opening our eyes.

"*Father!* We beg you will forgive, and receive your repentant children. These people, whom I now deliver to you, must plead our forgiveness, and vouch for our sincere intention to alter our conduct for the future." [A white string.]

At the close of this speech, the Indians retired from Greenville, and returned to their respective homes.

CHAPTER XIII.

Surrender of the North-western posts by the British, in 1796.—Made to General Wayne, appointed for that purpose.—Death of General Wayne.—Sketch of his life.—Detroit.—Its Commerce and Society.—Their hospitality.—Celebration of the king's birth-day at Sandwich.—General invitation to the Americans at Detroit, including the General Court and the Bar.—Note.—Gen. Wilkinson's charges against Gen. Wayne.—Unfounded.—Contrast between the two men.—Their controversies.—Their effect on the army.—The officers take sides.—Two parties formed.—Note.—Canadian French at and near Detroit.—Their character.—Their habits.—Their objections to free government.—Delays in administering justice.—Judicial decisions of the military commandants—Acceptable to the French inhabitants.—Pawnee Indians bought and sold as slaves.

EARLY in 1796, the British government surrendered the northern posts, including Fort Miami, built in 1794, by Governor Simcoe, at the foot of the Rapids of the Maumee, together with the town of Detroit, and the military works, both there and on the island of Mackinaw, in pursuance of the treaty negotiated by Chief Justice Jay, in 1793.

The posts were delivered to General Wayne, who had been authorised to receive them, by the President of the United States. As soon as he had performed that duty, and had made the necessary arrangements to have the works properly garrisoned and supplied, he embarked for Erie, on his way to the seat of government, very late in the season.* Unfortunately, he was seized, on the passage,

* One of the motives which induced General Wayne to proceed from Detroit, on his way to Philadelphia, after the surrender of the posts, was to meet and refute, a set of charges exhibited against him, by General Wilkinson, a copy of which he had received, from the War Department, though it was not generally known, that any thing of the kind existed. He had just conquered

with a violent attack of gout in the stomach, which terminated his life, before the vessel reached the port of her destination. He was buried at Erie. When the body was disinterred by his son, many years afterwards, for the pur-

the Indians—compelled them to sue for peace, and receive it on his own terms—and had redeemed the character of the nation, from the reproach cast on it, by the defeat, and almost total annihilation of one army, and by heavy losses, and an unexpected failure, in the anticipated results of another. Thus covered with laurels, and hailed by the nation as a hero and a conqueror, it would seem incredible, that he was going to the seat of government, to answer accusations, implicating his character, and his military fame; yet such was the fact.

It was said, that in conversation with his friends and others, with whom he conversed, he spoke of the charges as being unfounded, and malicious; as they were in the estimation of every person who knew his character, and knew also, that he prized it more highly than he did his life. No attempt was ever made to sustain any one of them—but few persons ever heard of their existence; and, at the War Department, they were entirely disregarded.

General Wilkinson, who was one of the most accomplished men of his day, either in, or out of the army, and had acquired the character of a brave officer, had unfortunately contracted an early prejudice against General Wayne; which commenced during the Revolutionary War, in which they both served with reputation, from its commencement to its close. That state of mind predisposed him to pursue an unfriendly course towards General Wayne, and to avail himself of every opportunity to diminish the respect and confidence in him, which military officers ought always to feel towards their Commander-in-chief.

The opportunity General Wilkinson had, of making impressions on the minds of the army, unfriendly to General Wayne, may be learnt from the fact, that he received the appointment of a Brigadier General in the spring of 1792, and being then a Colonel at Fort Washington, immediately assumed the command of the army; and that General Wayne, although appointed Commander-in-chief previous to that time, did not arrive at Cincinnati till September, 1793, the arrangements necessary for the coming campaign, having detained him at Philadelphia and Pittsburgh. In October, 1792, we find him at the latter place, perfecting those arrangements; and also taking testimony to elucidate the facts, connected with the assassination of Colonel Hardin and Major Trueman, who had been sent from Fort Washington, with a flag to the Indians.

In March following, the negotiations for peace with the North-western Indians commenced at Niagara, and were continued till late in August; during which time, the officers of the army were ordered to remain *in statu quo*, and not to permit any military movement whatever to be made. This order de-

pose of being removed to the place of his nativity, the skin and flesh were sound, and exhibited no signs of decay. As the body had been committed to its mother earth without embalming, and without any other process intended to pre-

tained the General at Pittsburgh, and at Legionville, till the close of the summer of 1793, when he repaired to Cincinnati. During this interval, General Wilkinson had the chief command at Fort Washington, and at all the outposts of that region, where his talents were successfully employed in winning over and concentrating on himself, the confidence and friendship of the officers, and others connected with the army—an undertaking for which no person could be better qualified than himself. His deportment was easy and graceful; and in his general intercourse, he manifested great suavity of manners. In these respects, he differed, very much, from the Commander-in-chief; who, though an accomplished, well educated gentleman, possessed a firmness, decision, and bluntness of character, which, at times, had the appearance of roughness, if not rudeness, and occasionally gave offence.

Most men, whose achievements have distinguished them above their fellows, have had some striking peculiarity, not common to others. This was the case with General Wayne, and must have induced the Indians, who were very acute in discriminating, and drawing comparisons, to select for him the name of the 'Big Wind,' meaning the tornado; there being no single word in their language, to express that idea. The fitness of the name they selected, will readily occur to those, who have a knowledge of his character; and of the promptness, energy and unflinching boldness of his movements. His official letter to General Washington, communicating the successful result of his desperate assault on Stony Point, has been referred to, as being somewhat peculiar; and as affording some indication of his cast of mind, and general deportment. It is in these words:

STONY POINT, July 16th, 1779, Two o'clock, A. M.

Dear General:

The fort and garrison, with Colonel Johnson, are ours—our officers and men, behaved like men determined to be free.

Yours, most sincerely,

ANTHONY WAYNE.

General WASHINGTON.

The contrast between the two men was very striking; and the efforts which had been made by General Wilkinson, and those who were most warmly attached to his person, had induced a very large majority of the officers to arrange themselves under the banner of one or the other of those distinguished men. This unpleasant state of feeling, prevailed during the whole of the eventful campaign of 1793-4; and until the lamented death of General Wayne. There were a few who kept aloof from the quarrel, and exhibited no appearance of

serve it from decay, the condition in which it was found by his son, must have been the result of some antiseptic influence, exerted by the surrounding earth, which, in process of time, might have converted it into a mummy.

bad feeling towards either of the parties. Their number, however, was small; and it speaks well for the Commander-in-chief, that the officers most intimately connected with him, were of that number.

There was much talent in the military family of Brigadier General Wilkinson. In this, as in almost every transaction of his life, he gave proof that his knowledge of human nature, enabled him, with great certainty, to select the men best calculated to accomplish his purpose. Campbell Smith, one of the distinguished family of that name, in Baltimore, was a volunteer Aid, and a favorite. He abounded in wit and pleasantry; and his means of annoying the person, against whom he directed his efforts, were very considerable.

The writer of this note, though wholly unconnected with the army, was an admirer of the Commander-in-chief; and was also on terms of the most friendly intercourse, with General Wilkinson, and his staff; which afforded an opportunity of ascertaining their feelings towards General Wayne.

After the decisive battle of August, 1794, the personal friends of Gen. Wilkinson, particularly the officers attached to his family, resorted to every expedient in their power, to undervalue the results of the victory, and to ascribe it to accident, or to any thing, other than the talents and skill of the commanding General. It was alledged, that the fate of the day was to be attributed, in a great measure, to a want of concert among the chiefs, of the tribes, engaged in the battle—that the attack made on the American troops, was premature—that not more than half of the Indians had arrived on the ground, when the firing commenced—that Blue Jacket, the Shawanee, who had been chosen Commander-in-chief, of the Indians, rejected the plan of attack, recommended by Little Turtle, who afterwards became the confidential friend of General Wilkinson, and was one of the most talented of the Indian chiefs. It was also said, in the circle of the General's friends, that if the counsel of Little Turtle had prevailed, there would have been a simultaneous attack, of the entire Indian force; in which case, the American troops could not have outflanked them, as they did; which manœuvre alone, it was affirmed, settled the fate of the day.

The most authentic account, of the result of the battle, stated the number of Indians left dead on the field of battle, to be upwards of fifty, exclusive of those carried off by their comrades, and of such as were not discovered among the grass and fallen timber, in which they were concealed, which, it was supposed, amounted to as many more. The verity of that report was denied; and Major Smith, in support of the denial, very facetiously reported a dialogue which had taken place on the banks of the river Styx, between old Charon and the ghost of one of General Wayne's soldiers, who boasted of the great

General Wayne was born in Chester county, Pennsylvania, in January, 1745, and was just completing the fifty-second year of his active life, when he was prematurely stricken from existence.

His father was a farmer, highly esteemed for the excellence of his private character, and for many useful services rendered the Commonwealth of Pennsylvania, particularly in the Provincial Legislature, and in several expeditions against the Indians. He had taken great pains to educate his son, at the Philadelphia academy, where he made very considerable proficiency in mathematics, in astronomy, and in other branches of useful science. The life and public services of this brave, accomplished officer, are so fully stated, by the historians of his day, that it does not seem necessary, interesting as they are, to transfer them to this

slaughter made among the savages, during the battle; at which the old ferryman shook his head, and protested most solemnly, that he had ferried over the ghosts of sixteen Indians, and not one more.

Perhaps there was not, among the friends and admirers of General Wilkinson, a more uncompromising enemy of the Commander-in-chief, than Major Guion; who was an accomplished officer. Yet, when the news of his death arrived at Cincinnati, the Major raised his hands, and exclaimed: "Is it possible!"—"General Wayne dead! Then enmity die with him;" and from that hour no unkind expression, respecting the Commander-in-chief, was ever heard from his lips.

The Major possessed a fine, cultivated mind—was an experienced engineer, and an exact disciplinarian—and had served with reputation in the Revolutionary war. He had a vein of wit and satire, which he occasionally indulged; and, sometimes, to an extent, that brought him into momentary collision, with his best friends. Being a man of genuine courage, he held it as a maxim, that no officer should be suffered to remain in the army, whose discernment could not, readily, apprehend an insult; and whose courage did not prompt him, instantly, to resent it. Influenced by that sentiment, it was not uncommon for him to resort to some expedient, suggested by the occasion, to test the nerve of young officers, on their joining the army, for the first time. Such experiments, he found, were sometimes hazardous; but, generally, he succeeded, in learning the secret, he was in quest of, in time to avoid any unpleasant result.

narrative. It may suffice, therefore, to say, that there was scarcely an important battle, or hazardous enterprise, from the beginning to the end of the Revolutionary struggle, in which he was not, more or less, distinguished.

Before the Revolutionary war began, he was a deputy in the Provincial Congress of his native state; which assembled in 1774. In the same year, he was a member of the Provincial Legislature. In the year following, he was a member of the Committee of Public Safety. In the fall of the same year, he raised a corps of volunteers, who unanimously elected him their Colonel. He was in the unsuccessful attack on the British at *Three Rivers*, in Canada; where he was wounded. At the battle of Brandywine, he was distinguished; in the succeeding battle of Germantown he led his division into the thickest of the fight, received two wounds, and had his horse killed under him. For his gallantry in the subsequent battle of Monmouth, General Washington mentioned him in his official letter, with great approbation.

His desperate and successful attack on Stony Point, which gave him the name of "Mad-Anthony," and procured for him a gold medal from Congress, can never be forgotten. After distinguishing himself at the capture of Lord Cornwallis, he was sent by General Washington, to take the command of the troops in Georgia, where the enemy were making great headway. After some severe battles, he defeated, routed, and drove them from the state. For his bravery and important services on that occasion, he received the thanks of the Legislature, and was presented with a valuable farm. His next military achievements were those in which he was employed in the North-western Territory, when death terminated his career.

It would be a pleasing task, and an easy one, to collect materials enough to form a volume of brilliant and useful deeds, achieved by that distinguished warrior, who shared

largely in the confidence and friendship of Washington, from the commencement of the Revolution, to the close of his life ; but the historians of his day have superseded the necessity of such a labor.

The Governor of the North-western Territory, who had accompanied the General to Detroit, and was present when the possession of the posts was delivered, proceeded immediately to establish a new county on the strait, to which he gave the name of Wayne ; in compliment to the chief, whose victory at the foot of the Rapids, two years before, had hastened the execution of the treaty of 1793, by the British government. The seat of justice for the new county was established at Detroit, a garrison town, compactly built on very narrow streets, most of them not exceeding one rod in width, and completely enclosed by strong pickets. It was defended by a fort on the north, and by batteries on the margin of the strait. The citadel, for the accommodation of the commandant, and his suite, was erected within the pickets, and was a spacious edifice, with an esplanade in front of sufficient dimensions to manœuvre a regiment of troops. The town was the most ancient on the upper lakes, having been settled by the French, as early as 1683 ; and it was the capital of Upper Canada, till it fell into the hands of the United States.*

* When the American troops took possession of the northern posts, the inhabitants of Detroit, and its contiguous settlements, from Lake St. Clair, to the river Raisin, on both sides of the strait, were, almost exclusively, Canadian French, who were the owners and cultivators of the soil. The land had been laid out, originally, into farms, of very narrow fronts—in most instances not more than fifty rods—and running back from one to two miles, for quantity. The owners and occupiers were extremely ignorant, and were under the influence of a strong religious superstition. They had been treading in the footsteps of their fathers, time out of mind, like mere imitative beings, without seeming to know that any improvement had been made in agriculture, since Noah planted his vineyard. They raised the same crops without variation, and in the same succession, they had been accustomed to see, from boyhood. When a field became exhausted, it was suffered to rest, till it became partially

The old town which was surrendered to the United States was entirely burnt down, in 1805, and was afterwards rebuilt on a new and more convenient plan. It had been for many years, the principal depot of the fur trade of the

recruited, by its own scanty, spontaneous products, and by the rains and dews of heaven. Their houses, barns, and other improvements, were fronting on the strait; separated from it, by a narrow road, which ran along the edge of the water. Each farm had an orchard contiguous to the house, containing a variety of fine fruit. When the litter about the barn and stable, increased so much, as to become inconvenient, they piled it on sleds, drew it down to the strait, which was just at hand, and threw it into the water. Under that practice, the soil, though naturally good, produced very light crops, and the price of every agricultural product, was extravagantly high. That continued to be the case, till emigrants from the United States, purchased, and settled among them, and introduced a better system of agriculture.

The native French were Catholics, and conscientiously exact in the performance of their religious duties. Their tithes were regularly brought and deposited in the storehouse of the priest, with apparent cheerfulness. Their frequent attendance at church, which seemed to be every day, attracted the notice of Judge Symmes; who incautiously, but from the best and purest motives, introduced that subject, in his charge to the Grand Jury, and endeavored to convince them that they consumed more time in the discharge of religious duty than was required by the Scriptures, or consisted with their temporal prosperity. That interference gave great offence, and produced a general excitement in the town and vicinity. The remarks of the Judge were, probably, misunderstood, but certainly very much exaggerated, by those who reported them. By some it was viewed as an attempt, by the American government, to put down their religion; but, as soon as the dissatisfaction was known, the Judge made a very conciliatory explanation from the bench, which gave general satisfaction, and removed the difficulty.

In consequence of the fact that a large proportion of those who were engaged in the business of the court, either as suitors, witnesses, or jurors, were unable to speak the English language, it became necessary to employ sworn interpreters, which rendered the business very tedious, and in some respects, uninteresting; as every thing said in the progress of a cause, by the court, the bar, or witnesses, was to be interpreted, sentence by sentence, as it came from the lips of the speaker.

Previous to the establishment of American courts, at Detroit, all matters of controversy, among the inhabitants, had been settled in a summary way, by the Commandant, to whose decision the inhabitants had been accustomed to submit. They had been habituated, all their lives, to this summary, expeditious mode of settling their disputes; and were, consequently, very much

north west, and the residence of a large number of English and Scotch merchants, who were engaged in it, and was of course a place of great business. The greater part of the merchants engaged in the fur trade, both Scotch and

dissatisfied with the slow, tedious progress of an American court; against which they complained very loudly.

One of the consequences of the change of government, and of the introduction of judicial tribunals in that country, was the commencement of a large number of suits, many of them to test the correctness of the decisions of the Commandants, particularly in cases involving the title to real estate. The docket was soon crowded with cases, and the practice became as lucrative as that of any other county in the Territory. The result was similar to that which took place in 1798, in Mississippi, after the establishment of courts of justice in that Territory, and was brought about by the same causes.

Among the advantages of which the people of Detroit then boasted, was the excellence of their domestic servants. No visitor from the States could spend any time, at a public or private house in that city, without being satisfied, that they did possess that advantage in a greater degree, than the inhabitants of any other part of the United States.

The Canadian French were naturally obstinate and headstrong; and were illiterate and untaught in the principles of equality, professed and practiced in republics. They had grown up from infancy under the impression, that nature had established different orders in society—that power and rank were inseparable from wealth; and that inferiority and submission were ordained for the poor. That impression was carried out into practice, and accounts, in a great measure, for the excellence of their hirelings and domestics; but their best servants were the Pawnee Indians, and their descendants, who were held, and disposed of, as slaves, under the French and British governments—a species of slavery which existed to a considerable extent in Upper Canada. It was introduced at the early settlement of the country, and was founded on the assumed right of selling captives, taken in war, as slaves. The Pawnees were numerous and powerful; but were considered as degraded, by all the other tribes; on which account, prisoners taken from them by any other nation were condemned to slavery, and were held as slaves by the captors, or sold as such to others. Many of them were purchased by the Canadians, and employed as drudges in the fur trade, and, frequently, as house servants. The Indian code justified the putting of prisoners to death, which had been their common punishment, till it was commuted for the milder one of being sold into slavery for life. That relation existed when the country was delivered up to the United States; though the practice of purchasing Indian captives as slaves, by the white people, had ceased before the surrender; and, conse-

English, had their domiciles at Detroit; and the nature of the trade was such as to require large amounts of capital, in order to be profitable; because the great distance, and the immense extent of country, over which their furs and peltry were collected, rendered it impossible to turn the capital employed more than once in a year, and sometimes once in two years. The business was also extremely laborious and precarious. In some seasons, their profits were enormously large; in others, they were small; and occasionally, they were subjected to heavy losses.

During a large portion of the year, they had to endure the fatigues and privations of the wilderness; and as often as they returned from those laborious excursions to their families and comfortable homes, they indulged most freely in the delicacies and luxuries of high living. Scarcely a day passed without a dinner party, given by some one of them, at which the best of wine and of other liquors, and the richest viands furnished by the country, and by commerce, were served up in great profusion, and in fine taste. Genteel strangers who visited the place, were generally invited to their houses, and their sumptuous tables; and although at this day, such a practice would be considered a breach of moral duty, as well as of good breeding, they competed with each other for the honor of drinking the most, as well as the best wine, without being intoxicated themselves, and of having at their parties the greatest number of intoxicated guests. This revel was kept up in a greater or less degree, during the season they remained at home, as an off-

quently, the principal part, if not all the Indians then in slavery, were the descendants of enslaved captives. Immediately after the laws of the United States were introduced, and their courts of judicature established, the validity of that relation was questioned, and the value of that species of property was very much diminished; not only by the uncertainty of its tenure, but by the effect which the discussion of the subject produced on the minds of the slaves. Very soon after the right became a subject of enquiry, public opinion decided against it, and the relation ceased to exist.

set to the privations and suffering of their excursions into the wilderness.

At one of those sumptuous dinners, given by Angus McIntosh, the bottom of every wine glass on the table had been broken off, to prevent what were called heel-taps; and during the evening, many toasts were given, which the company were required to drink in bumpers. The writer of this narrative was one of the guests, on that occasion; but being in very delicate and precarious health, was not required to comply with the rules prescribed for others; but was permitted to eat and drink, as his judgment dictated. This privilege was awarded to him most cheerfully, at all those parties, as it was known that without it, he could not have participated in their hospitality.

Soon after the town of Detroit came into the hands of the Americans, most of those merchants removed, and established themselves at Sandwich, in Upper Canada, where it was the universal custom to celebrate the birth-day of the king. The General Court of the Territory being in session at Detroit, on the 4th of June, 1800, which was the birth-day of his majesty, George III., the judges and the bar, and also the officers of the American garrison, with many of the principal citizens of Detroit, were invited to be present, and partake in the festivities of the occasion. The invitation was accepted, and about an hundred Americans joined in the festival. A spacious building, erected for a warehouse, was so arranged as to accommodate between four and five hundred persons, with seats at the tables, at the same time. The entertainment was splendid; the tables were richly and abundantly supplied with every thing which appetite or taste could desire.

The loyalty of his majesty's subjects was evinced by every expedient in their power; and if a moiety of their prayers, in behalf of their royal master, had been granted, he must have lived a thousand years, and his shadow never have grown less.

During the evening, much deference was paid, by the managers, to the feelings of their American guests. Next to the King, the President of the United States was drank; and among the residue of the toasts, there were several complimentary to our country and her distinguished statesmen. By pursuing that liberal, respectful course, no bad feeling was excited; and although more wine was drank, in proportion to numbers, than the writer ever witnessed on any other occasion; yet the party, late in the night, separated in harmony and mutual good feeling. The American garrison, at Detroit, consisted of two regiments, commanded by Colonel Strong, who, in consideration of his great responsibility, and to relieve from duty as many of his officers as practicable, declined to be a guest, and remained at his post in the citadel.

At that party the court and bar became acquainted with the British officers, stationed at Fort Malden, and received a pressing invitation to visit them, and spend a night at their quarters in the garrison. At the same time, Captain Currie, of the John Adams, an armed vessel of the United States, politely offered to convey the party to Malden, and from thence to Maumee Bay. These invitations were accepted, and, as soon as the court had finished the business of the term, they and the bar sent their horses by land to the foot of the Rapids, and embarked for the British garrison. They were received by Captain McMullen, the commandant, and entertained with great hospitality. He gave them a fine supper, good wine, and excellent beds; which were seldom met with, by western travelers, in those early days of territorial improvement. In the morning, the party took leave, and returned to the vessel.

At that time, the fort was in a very unfinished state, and no material or preparation was discovered for completing it. It was said, however, by the officers, that preparations were in progress for that purpose, and that it was the intention of government to put the works in a complete

state for defence, without delay. Early in the afternoon, the brig cast anchor in the Maumee Bay, and the barge was let down and manned. Having taken leave of the officers, the party took their seats, and in a few hours were landed at the foot of the Rapids. The passage was pleasant, and the misery of wading through the deep mud of the Black Swamp was escaped.

The residue of the journey to Cincinnati, presented nothing unusual.

CHAPTER XIV.

Five thousand white males in the Territory.—Proclamation of the Governor.—Delegates to the Assembly elected.—Second grade of Territorial Government organized.—Members of the first Territorial Legislature.—Their Character.—Talents.—Employments.—Movements of Colonel Burr.—Mr. Smith implicated.—Probably without cause.—Burr's visit to Cincinnati.—Notice taken of him.—War with Spain contemplated.—May account, probably, for Burr's movements.—Principles of the Federal party.—Their agency in forming and adopting the Federal Constitution.—Condition and character of the country improved by their measures.—Origin of their name.—Have long ceased to exist as a party.

In 1798, it was ascertained that the North-western Territory contained five thousand white male inhabitants, and was therefore entitled, as a matter of right, to enter on the second grade of territorial government, provided for in the ordinance of 1787. This fact was made known by the proclamation of Governor St. Clair, calling on the people to elect Representatives to the first General Assembly, and requiring the members, when elected, to meet at Cincinnati, in Convention, for the purpose of nominating ten persons, to be returned to the President of the United States; five of whom, it was his duty to select; and, with the advice and consent of the Senate, commission as a Legislative Council. The Representatives were chosen, and assembled at Cincinnati, on the 4th of February, 1799, as required by the proclamation. After due deliberation they made the nomination—reported it to the Governor, and then adjourned, to meet at Cincinnati, on the 16th of September, ensuing. The Governor transmitted the names

of the nominees to the Secretary of State; and, in due time, by and with the advice and consent of the Senate, the President appointed "Jacob Burnet and James Findlay of Cincinnati; Henry Vanderburgh, of Vincennes; Robert Oliver, of Marietta; and David Vance, of Vanceville; to be the members of the Legislative Council, of the Territory of the United States, north-west of the river Ohio," which was announced by the proclamation of the Governor.

In choosing members to the first Territorial Legislature, the people, in almost every instance, selected the strongest and best men, in their respective counties. Party influence was scarcely felt; and it may be said with confidence, that no Legislature has been chosen, under the State Government, which contained a larger proportion of aged, intelligent men, than were found in that body. Many of them, it is true, were unacquainted with the forms and practical duties of legislation; but they were strong-minded, sensible men, acquainted with the condition and wants of the country, and could form correct opinions of the operation of any measure proposed for their consideration.

The delegation in the House of Representatives, from the county of Hamilton, consisted of seven members;—William McMillan, John Smith, Robert Benham, Aaron Cadwell, William Goforth, John Ludlow, and Isaac Martin, all of them intelligent, substantial men.

The Representatives from the county of Ross, were, Thomas Worthington, Samuel Findley, Elias Langham, and Edward Tiffin.

From the county of Wayne—Solomon Sibley, Jacob Visgar, and Charles F. Chobart de Joncaire.

From the county of Washington—Return Jonathan Meigs, and Paul Fearing.

From the county of Jefferson—James Pritchard.

From the county of St. Clair—Shadrach Bond.

From the county of Randolph—John Edgar.

From the county of Knox—John Small.—And,

From the county of Adams—Joseph Darlington, and Nathaniel Massie.

As has been before stated, the first Legislative Council consisted of James Findlay, and Jacob Burnet, of Hamilton county; Henry Vanderburgh, of Knox; David Vance, of Jefferson; and Robert Oliver, of Washington county.

The whole number of the little band of pioneers, who composed the first General Assembly, with the exception of Judge Sibley, of Detroit, General Darlington, of West Union, and Jacob Burnet, of Cincinnati, have been long since gathered to their fathers; and, according to the course of nature, they too, must soon follow their colleagues, as the youngest of them is now on the verge of fourscore years.*

Several of the members of that Assembly were men of the first order of talents; and, with scarcely an exception, they would all be now estimated as well qualified for State legislators.

Of the first class was William McMillan, of Hamilton county. He possessed an intellect of a high order; and had acquired a fund of information, general as well as professional, which qualified him for great usefulness, in the early legislation of the Territory. He was a native of Virginia, educated at *William and Mary*, and was one of the first adventurers to the Miami Valley. He was the son of a Scotch Presbyterian of the strictest order, who had educated him for the ministry; and who was, of course, greatly disappointed, when he discovered that he was unwilling to engage in that profession, and had set his heart on the study and practice of the law. After many serious discussions on the subject, the son, who understood the feelings and prejudices of his father, at length told him he

* Since this article was written, Judge Sibley has paid the debt of nature. He died at Detroit in 1845, at the advanced age of seventy-seven, universally beloved and respected.

would comply with his request, but that it must be on one condition—that he should be left at perfect liberty to use Watts's version of the Psalms. The old gentleman was greatly astonished, and rebuked his son with severity; but never mentioned the subject to him afterwards.

Mr. Sibley was a lawyer of high standing, and was considered one of the most talented men of the House. He possessed a sound mind, improved by a liberal education, and a stability and firmness of character, which commanded general respect, and secured to him the confidence and the esteem of his fellow members. He afterwards married the only daughter of Colonel Sproat, of Marietta, who had been a meritorious officer in the war of the Revolution. Mrs. Sproat was the daughter of the venerable Commodore Whipple, of revolutionary memory.

Mr. Meigs and Mr. Fearing were lawyers of Marietta, in Washington county. The former afterwards filled the office of Judge of the General Court of the Territory; Judge of the Supreme Court of the State of Ohio; Governor of that State; and Postmaster General of the United States, under the administration of Mr. Monroe.

The latter was elected delegate to the Congress of the United States, in the year 1800, and took his seat in that body, in December, 1801.

Mr. Darlington and Mr. Massie, of Adams county, were among the earliest and most enterprising adventurers to the Northwestern Territory; and shared largely in the dangers and privations attending the first settlement of the country. They were useful members of the House, and occupied a high standing in the estimation of the people.

Mr. Massie was a surveyor and locator of Virginia Military Land Warrants, in the district between the Scioto and Little Miami rivers; reserved for that purpose, in the deed of session of Virginia. His manners were polished and agreeable; his talents and acquirements were respectable; and, having been brought up in the State of Virginia,

he possessed some of the peculiarities which distinguish the citizens of the Old Dominion from those of other States.

Mr. Darlington was also a Virginian, by birth. He had a bold, enterprising mind, and enjoyed the confidence of the people of the Territory, in a high degree; in consequence of which, he has been continued in office from the adoption of the second grade of Territorial government, until very recently; and, although an *octogenarian*, he discharged the duties of Clerk of the Supreme Court, and of the Court of Common Pleas, with great punctuality and exactness.

The county of Ross had a representation which was not excelled in talent and energy, by that of any other in the Territory. She selected her strongest men as guardians of her interest. Worthington, Tiffin, Findley, and Langham, and subsequently, Nathaniel Massie, were qualified to exert an influence in any deliberative assembly. They were all natives of Virginia, excepting Mr. Tiffin, who was born in Great Britain, and, as was generally understood, and believed, came to this country in the capacity of a surgeon's mate, in the army of General Burgoyne. Mr. Worthington and Mr. Tiffin were afterwards, in succession, Senators in Congress, and Governors of the State of Ohio; and participated largely in the confidence and patronage of the State. General Findley and Major Langham were officers in the army of the Revolution, and had been distinguished by their bravery and good conduct.

Mr. Benham, of the Hamilton delegation, was an officer in the Revolutionary War. In 1777, he descended the Ohio to St. Louis, with a party of seventy or eighty men, in keel boats, from Pittsburgh, commanded by Major Rogers, for the purpose of procuring clothing for the American troops. On their return, they landed about a mile below the Little Miami, on the Kentucky shore, to prepare, and eat their breakfast. While there, they were discovered by a party of six or seven hundred British and Indians, who had de-

scended the Little Miami in canoes, on their way to attack the frontiers of Virginia and North Carolina; by whom they were surrounded and destroyed. Mr. Benham, with a broken thigh, was so concealed by high weeds and thick underbrush, that he escaped the notice of the savages, and was left alive on the ground. After the enemy had disappeared, he succeeded in crawling to the river, at the mouth of Licking, carrying with him his rifle and ammunition; where he found one of his comrades, with both his arms broken, they being the only two of the party who escaped with life.

They remained in that hopeless condition several days, during which time Mr. Benham, having the use of his arms and hands, obtained food by shooting game, which his companion brought in, in his teeth, and in the same way he brought water in his hat, from the river. They subsisted on raw flesh, and river water, till they discovered a Kentucky boat descending the Ohio, on its way to the Falls, which they hailed. At first the persons on board fearing a decoy, refused to answer; but, after much entreaty, and the most solemn assurances that they were wounded Americans, and that there were no Indians in the neighborhood, the boat came to with great hesitation and fear, took them in, and conveyed them to the Falls, where their wounds were cured.

Mr. Benham was one of the first adventurers to Judge Symmes' purchase. He served in the army under General Harmar, in 1789—was in the bloody defeat of St. Clair, on the 4th of November, 1791, and shared in the glorious victory of Wayne, on the 20th of August, 1794.

He was possessed of great activity, muscular strength, and enterprise—had a sound discriminating judgment, and great firmness of character—and was a safe and useful member of the assembly. He was the grandsire of the accomplished Mrs. Harriet Prentice, of Louisville.

Colonel Edgar was an inhabitant of Canada, when the

American Revolution commenced, but being in principle, a warm decided Whig, he left the British territory—removed to the United States, and was one of the corps of Revolutionary patriots denominated Canadian Refugees. After the close of the war, he settled on the Mississippi, where he acquired a handsome property, and lived to an advanced age.

John Smith, of Hamilton county, was scarcely excelled by any member in either house, in native talent and mental energy. Though he felt, very sensibly, the want of an early education, yet the vigor of his intellect was such as enabled him, measurably, to overcome that difficulty. His ambition to excel, urged him to constant application, and soon raised him to a fair standing among the talented and influential leaders of the day. In 1803, he represented the State in the Senate of the United States, and stood high in the confidence of Mr. Jefferson. Subsequently, however, his intimacy with Colonel Burr, put an end to all intercourse between him and Mr. Jefferson. When the Colonel was on his tour through the Western country, in 1806, he spent a week or two in Cincinnati. Mr. Smith was then a Senator, and had been a member of that body when Colonel Burr presided in it, as Vice President of the United States. He, therefore, very naturally invited him to his house, and tendered to him its hospitality during his stay in the place. This act of respect and kindness, dictated by a generous feeling, was relied on as evidence that he was a partizan of the Colonel, and engaged in his project. A number of persons then residing in Cincinnati, who were in constant and intimate intercourse with Colonel Burr, and who were universally believed to be engaged in his undertaking, whatever it might have been, deserted him as soon as the storm began to gather. Some of them figured in the trial at Richmond, in 1807, as patriots of spotless purity.

When the Governor of Ohio made his communication to the Legislature on the subject, which was the commence-

ment of the military movements, familiarly called at that day "*the Burr War*," it was amusing to see those men, who had so recently been the most devoted attendants on the Colonel, and the most vocal in his praise, denouncing him as a traitor, and tendering their services to the Governor of the State, to arrest the culprit and bring him to justice. Mr. Smith was a firm, consistent man, not easily alarmed; he solemnly affirmed his belief that Colonel Burr was not engaged in any project injurious to the country, and refused to join in the outcry against him, or to aid in the measures that were taken to procure his arrest. The consequence was, he was denounced himself, and a bill of indictment found against him, which was, however, abandoned without an attempt to bring him to trial.

In conversation with his friends, Mr. Smith stated, that before the movements of Burr had attracted general notice, Mr. Jefferson requested a confidential interview with him, (Smith;) at which he enquired if he was not personally acquainted with the Spanish officers of Louisiana and Florida. On being answered in the affirmative, he went on to state, that a war with Spain seemed to be inevitable; and that it was very desirable to know the feelings of those men towards the United States, and whether reliance could be placed on their friendship, if a war should take place between the two countries. At the same time, he requested him to visit that country, with reference to that object. Mr. Smith stated further, that he did visit the country, as requested; and that, on his return, he reported to Mr. Jefferson, that the governor, the inferior officers, and the inhabitants generally, were not only friendly, but were desirous of attaching themselves to the United States. This was in the summer preceeding the war message against Spain, which was sent to the two Houses of Congress, in December, 1805. Although that message was confidential, it soon became known to the diplomatic corps, at Washington; and the French minister was ordered by his

master, Napoleon, to inform the American Government, that France would take part with Spain, in any contest she might have with the United States.

It is matter of history, that after that notice, the project against Spain, communicated in the confidential message, and referred to in the conversation with Mr. Smith, was abandoned; and, about the same time, measures were taken by the Administration, to stop the movements of Colonel Burr. The inference drawn from these facts, and the order of time, in which they occurred, was, that the object of Burr's preparations and movements, was the invasion of Mexico; that the government was apprised of that fact; and, that the settlement of Washita lands was a mere pretence to cover the real design.

The persons who composed the Legislative Council, were men much respected, and in whom the community had confidence. Colonel Vanderburgh was an intelligent citizen of Vincennes, engaged in the Indian trade. When the Legislative Council was first organized, he was chosen their President, and held that office till he ceased to be a citizen of the Northwestern Territory, by the establishment of the Indiana Territory; the boundaries of which included his residence. After that division was completed, and the new Territory organized, Mr. Vanderburgh was appointed by the President, one of the Judges of the General Court; from which, it may be inferred, that his standing in that community was highly respectable.

David Vance, of Jefferson county, was a plain man, of respectable acquirements, and of stability and sound judgment. He was esteemed for integrity and uprightness of character; and was, in all respects, worthy of confidence.

Colonel Robert Oliver, of Washington county, stood high in the confidence of the community. He had served with credit, as an officer in the army of the Revolution; and, like hundreds of others, who were engaged in that glorious struggle, found himself, at the return of peace, destitute of

the means of subsistence, and without an occupation, on which he could rely for support. Thus situated, he joined the Ohio company of associates, most of whom were Revolutionary characters, of New England. He was, of course, one of the first band of pioneers to the Far West, who planted themselves on the Muskingum river, while the Territory was a dreary wilderness, without constitution, government, or law.

General James Findlay was a native of Pennsylvania, and one of the early pioneers to the West. He settled at Cincinnati, while the Indian war was raging with violence; and had his full share of exposure to its dangers. After Congress had adopted a system for the sale of the public lands, and established a Land office at Cincinnati, he was appointed Receiver of Public Money, and was continued in that station many years, and until he resigned it. He joined the army of General Hull, as a volunteer, and marched to Detroit in command of one of the regiments which composed that army. When the extraordinary surrender by General Hull took place, he returned to his family and his business. In 1825, he was elected to Congress, and was continued in that station by re-elections, till 1833. For many years, he was Major General of the first Division of Ohio Militia. He held a variety of offices under both the State and general governments, in which he had the confidence of the community in a high degree.

Mr. Burnet, as has been stated elsewhere, is a native of New-Jersey, a graduate of Princeton College, and a lawyer by profession. During the long period of his professional labors at the bar, both in the Territory and State, he was placed by common consent among the most respectable of his professional brethren. He was brought up in the school of politicians, who had been active agents in commencing and sustaining the Revolution. He was taught to confide in the wisdom, and purity of Washington, and his confidential associates, who stood at the head of the Federal party—

formed the new constitution, and were the principal agents in convincing the people that it was their duty and their interest to adopt it. They settled the principles and arranged the plan on which it should be administered; and under their guidance it went into successful operation, notwithstanding the violent opposition of the party which distinguished itself by the characteristic name of Anti-Federalist. In a short time, the new government, in the hands of its friends, recovered the country from the universal distress and embarrassment which the war of the Revolution had produced; and was scattering blessings on all classes of the people; when the Anti-Federal party, who, under that name, had resisted its adoption, assumed the more fascinating appellation of Republican, and transferred their opposition from the Constitution itself, to the administration of it. They commenced a systematic attack on the policy adopted by President Washington; they condemned his leading measures, and formed a combination to bring him into disrepute, and themselves into office; and, after a conflict of twelve years, they succeeded in their project. In the judgment of Mr. B. they were influenced by motives of ambition, and were more anxious to gain power, than to reform abuses. He had more confidence in the men who formed the Constitution than in their opponents, who had uniformly resisted its adoption, and opposed its measures.

Soon after that party cast off the name of Anti-Federalist, its origin, and their original purpose, were forgotten. The people were told that the Federalists were *aristocrats*, laboring to change the constitution, by giving it the substance, as well as the form, of the British government. These charges were made so repeatedly—with such bold confidence, and came from such high places, that the nation, at length, were led to believe them. The framers and fathers of the Constitution were set down as its worst enemies, and its original opponents as its best friends.

The party which had been called Federalists, because they made and supported the new federal government, were represented as its original enemies; and, at the same time, its most deadly opponents claimed to be its fathers and guardians.

These false statements, having obtained credence, after years of repetition, the name of the party, of which Washington was the head, became a term of reproach—indicating the very reverse of its true and genuine meaning. Mr. B., however, knew that it implied, neither more nor less, than devotion to the new federal government. For that reason, although the party had long ceased to exist, the great majority of them being in their graves; Mr. B. retained the name, and still cherishes it, as the distinguishing appellation, of the purest patriots and statesmen, the country has ever contained.

When the party slang of the day, which has been kept alive, for sinister purposes, to the present hour, shall have done its work, and be forgotten, the historian, without risk to his popularity, will do justice to that abused, persecuted, misunderstood party. He will record their political course, impartially, and will verify the fact, that they were the fathers of the Revolution—the instigators of the Declaration of Independence—and the framers of our present happy form of government; and that, by their efforts and influence, the country was raised from poverty to affluence, and from the contempt of Europe, to the confidence and admiration of the world. He will cause it to be known, and acknowledged, that before they were driven from power, they had saved the nation—established her character—renovated her energy, and laid the foundation of all her subsequent prosperity.

A consciousness of these truths prompted Mr. Jefferson to declare, in his inaugural address, at the moment he took the reins of government from the hands of the Federalists: "We are all Republicans, we are all Federalists."

CHAPTER XV.

Legislature assemble at Cincinnati.—Their proceedings.—Harrison elected Delegate to Congress.—His instructions.—His course in Congress approved.—Territory divided.—Harrison appointed Governor.—The Ordinance of 1787.—Its provisions.—Liberty, civil and religious, secured.—Territorial code defective.—Remedied by the Legislature.—French inhabitants.—Their common fields.—Burning of Prairies.—Injury resulting.—Regulated.—Jurisdiction on the Ohio River.—Claims of Kentucky.—Inconveniences.—Act of the Legislature touching it.—Compact between Virginia and Kentucky.—Legislation of the Governor and Judges.—Of the General Assembly.—Education encouraged.—Protection of the Indians.—Vetoes of the Governor.—Property qualification.—Limited slavery.—Attempt to introduce it.—Auditor's Certificates.—Address of the General Assembly, complimentary to President Adams.

On the 16th September, 1799, both branches of the Legislature assembled at Cincinnati, elected their officers, and informed the Governor that they were ready to proceed to business. The Governor met them the next day, in the chamber of the Representatives, and in a very elegant address, congratulated them and their constituents on the interesting change that had taken place in the form of their government;—a change, by which the power of making their laws had been taken from the hands of men in whose appointment they had no agency, and over whom they had no control, and committed to others of their own choice. He laid before them a full and faithful view of the condition and the wants of the Territory; and recommended to their attention such measures as he believed were proper to advance the prosperity and happiness of the people.

As this was the first session of the Legislature, it was

necessarily a laborious one. The transition from a colonial to a semi-independent government, called for a general revision and enlargement of the statute book. Some of the adopted laws were repealed—many of them were altered and amended, and a long list of new acts were added to the code. The change made it necessary to create new offices, and prescribe the duties of those who were to fill them. The increased expenditure, caused by the change which then took place, made it necessary to devise a plan of ways and means to meet it. As the number of members in each branch was small, and a portion of them either unprepared, or indisposed to partake largely in the labor of legislation, the principal pressure of it, rested on the shoulders of a few.

One of the important duties of the session was the election of a delegate to represent the Territory in Congress. As soon as the Governor's proclamation made its appearance, the selection of a person to fill that place excited general attention. Several names were mentioned, and among them the name of Mr. B., whose friends pressed him to become a candidate; and ventured to give him strong assurances of success, if he would consent to serve; but, being, at the time, in an extensive practice, and not wealthy, he could not afford to quit his profession, or abstract from it as much time and attention, as the duties of the station would require. In addition to this, it appeared to him, that he could be more useful to the people of the Territory in their own Legislature, than in Congress. For these reasons, he refused to be a candidate; and before the meeting of the Legislature, public opinion had settled down on William Henry Harrison and Arthur St. Clair, Jr., who were the only candidates for the office.

On the 3d of October, the two Houses met in the Representative chamber, according to a joint resolution, previously adopted, and proceeded to the election. The ballots were taken and counted, when it appeared that William

Henry Harrison, had twelve votes, and Arthur St. Clair ten votes. William Henry Harrison was therefore declared to be duly elected. On being furnished with a certificate of his election, he resigned the office of Secretary of the Territory, proceeded forthwith to Philadelphia, and, Congress being then in session, immediately took his seat, as the Representative of the Northwestern Territory. Though he retained it but a single session, he succeeded in obtaining some very important advantages for his constituents.

He introduced a resolution to subdivide the surveys of the Public Lands, and to have them offered for sale in small tracts; which he succeeded in getting through both Houses, in opposition to the interest of speculators; who had till then monopolized the business of retailing lands to the poorer classes of the community, at advanced prices. That act was hailed as the most beneficent measure that Congress had ever adopted for the people of the West. It put it in the power of every industrious man, poor as he might be, to become a freeholder—to cultivate his own domain, and lay a foundation for the support and future comfort of his family. At the same session he obtained a liberal extension of the time of payment, in behalf of those persons who had procured pre-emption rights to lands they had previously bought of Judge Symmes, lying beyond the limits of his patent, and for which it was not in his power to make titles. That indulgence enabled them to secure their farms, and, eventually, to become independent and wealthy men. At the same time Congress divided the Northwestern Territory, by establishing the new Territory of Indiana; of which Mr. Harrison was appointed Governor, and Superintendent of Indian affairs. He accepted those appointments and resigned his seat in Congress. By this division, Mr. Vanderburgh became a citizen of Indiana, and his seat in the Legislative council was vacated.

The Ordinance and the Compact, which were the Constitution of the Territory, contained but little specific legis-

lation. It prescribed the rule of descents; the mode of transferring real estate, by deed of lease and release; and of devising or bequeathing it by will. It regulated the right of dower, and authorised the transfer of personal property, by delivery; saving always to the French and Canadian inhabitants, and other settlers who had before professed themselves citizens of Virginia, their laws and customs then in force among them, relative to the descent and conveyance of property. In addition to these provisions, the compact ordained, that no person demeaning himself in a peaceable manner, should be molested on account of his mode of worship, or religious opinions. It also secured to the inhabitants forever, the benefit of the writ of habeas corpus—of trial by jury—of a proportionate representation of the people in the Legislature, and of judicial proceedings, according to the course of the Common Law.

It further provided, "that all persons should be bailable, unless for capital offences, etc.; that all fines should be moderate; that no cruel or unusual punishments should ever be inflicted; that no man should be deprived of his liberty or property, but by the judgment of his peers, or the law of the land; that if the public exigency made it necessary to take the property, or services of any individual, full compensation should be made for the same; that no law should ever be enacted to affect private contracts or engagements, bona fide, and without fraud, previously made; and that there should be neither slavery nor involuntary servitude, other than for the punishment of crimes: *Provided always*, that any person escaping into the Territory, from whom labor or service was lawfully claimed, in any one of the original States, such fugitive might be lawfully taken and conveyed to the person claiming his or her labor or service."

The great principles of civil and religious liberty, contained in this invaluable document, were guaranteed to the

people of the Territory and their posterity forever, by the venerable Fathers of the Revolution, which entitled them to endless gratitude. Valuable, however, as these principles were, they required much specific legislation, to carry them into practical use.

The statutes, which had been adopted, from time to time, by the Governor and Judges, formed a miserable apology for a code of statute laws. Many subjects of interest were not embraced in them, and most of those which were, were in a crude imperfect state. The most useful of them were taken from the Pennsylvania code, with the exception of one, from the code of Virginia, which adopted the common law, and such of the English statutes, made in aid of it, prior to the 4th of James I. as were of a general nature, and applicable to the country. Although this law was important in the administration of justice; as without it, the courts must have legislated, in many of the cases which came before them; yet it was so general and indefinite in its terms, that questions were perpetually arising, at the bar and on the bench, as to which of the statutes of the English code were adopted; and whether such parts of statutes as were applicable to the state of the country, might be taken, and others rejected; as, for example, in a case in which the defence rested on a plea of usury, there being no statute of the Territory on that subject, the defendant relied on the statute of 13th Elizabeth, which came clearly within the terms of the adopting law, both as to time and subject matter; yet, as it authorised an interest of ten per cent., and the interest of the Territory, established by general consent, was only six per cent., it became a question, whether it did or did not justify that rate of interest; and if not, whether the penalty of the act could be enforced in that case.

On many interesting subjects, particularly those relating to remedies, and the mode of enforcing them, there had been no legislation. The course of the Common Law was

relied on, which was tedious, and, in most cases, difficult and expensive; and the more so, as there was not any tribunal in the Territory vested with Chancery powers. The Courts of Common Law, as far as their forms and modes of administering justice would permit, assumed those powers from necessity, by which partial relief was obtained.

On the subject of the partition of real estate—assignment of dower—relief of insolvent debtors—settlement of disputes by arbitration—divorce, and alimony—equitable set off, and execution of real contracts, the territorial code was entirely silent. To supply that deficiency, an onerous duty was imposed on the Legislature, at their first session. In most of the cases mentioned, laws were passed providing simple and easy modes of proceeding.

The subject of education occupied their serious attention; and among other measures, they instructed the delegate in Congress to use his influence to induce that body to pass the laws which were considered necessary to secure to the Territory the title of the lands that had been promised for the support of schools and colleges, including section No. 16, in every township; which had been pledged for the support of common schools, in the Ordinance of May, 1785, and confirmed by another of July, 1787.

It was made the duty of the Legislature, by the Ordinance for the government of the Territory, "to observe the utmost good faith towards the Indians; to protect their property, rights and liberty; and to pass laws founded in justice and humanity, for preventing wrongs being done to them." On the recommendation of the Governor, that subject was investigated, and a law was passed for their relief, covering all the ground to which it was supposed the power of the Legislature extended.

As the dividing line between the North-western Territory and the new Territory of Indiana, had not been run, it was a matter of doubt, into which Territory the island of Mackinaw and the adjacent settlements would fall. To

remove that doubt, measures were taken to ascertain their true position. Measures were also taken to obtain for the people of Detroit a confirmation of their right to a tract of land adjoining the town, which they had used from the first settlement of the country, as a public common.

The two houses also adopted a remonstrance, addressed to Congress, against the unqualified veto given to the Governor, over the acts of the Legislature; and against the exclusive right he claimed of dividing and subdividing counties, after they had been created and organized by himself, without their concurrence. They also made an effort to abolish the property qualification, required by the Ordinance, and to extend the right of voting for members of the Legislature of the Territory, to all free white male citizens of the age of twenty-one years and upwards, who had resided one year in the Territory, and who had paid a Territorial or county tax.

During the same session (1799) a memorial was presented by officers of the Virginia line on Continental establishment, in the War of the Revolution, praying for toleration to remove with their slaves, on to their Military Bounty Lands, between the Scioto and Little Miami rivers. The prayer of the petition, being unequivocally prohibited by the Ordinance, the Legislature had no discretion in the case. Their only course was to reject the petition, although it was apparent, that if the application of the memorialists could have been granted, it would have brought into the Territory a great accession of wealth, strength, and intelligence; yet the public feeling, on the subject of admitting slavery into the Territory, was such, that the request would have been denied, by a unanimous vote, if the Legislature had possessed the power of granting it. They were not only opposed to slavery, on the ground of its being a moral evil, in violation of personal right, but were of opinion, that, whatever might be its immediate advantages, it would ultimately retard the settlement, and check the

prosperity of the Territory, by making labor less reputable, and creating feelings and habits, unfriendly to the simplicity and industry, they desired to encourage and perpetuate.

That influence was so strong on the minds of the members of both houses, that, after the rejection of the memorial, they adopted an address to the people of the Territory, recommending industry and frugality—urging them to discountenance dissipation of every kind—to encourage home-manufactures, and retrench unnecessary expense.

It had been the custom of the French inhabitants of the Illinois, Mississippi, and Wabash, from the first settlement of the country, to enclose their small farms, which would now be denominated *truck-patches*, by a common fence, which frequently gave rise to disputes and quarrels; sometimes, as to their respective proportions of expense, in keeping up the enclosure—sometimes, by the uncertainty of their land-marks—sometimes, by injuries done to their crops by carelessness, or otherwise; and sometimes, in regard to the use of the enclosure for pasturage, and the number of animals that each proprietor should be allowed to pasture. These difficulties were, to them, of serious importance, and were submitted to the Legislature, in the form of a memorial. It was not an easy matter to devise a remedy for a case so complex. It seemed to resemble that of a joint-stock company, not regulated by law, and having no rule for its management, but custom, voluntarily submitted to. A plan, however, was devised, and made obligatory on all concerned, by an act, which regulated the enclosing and cultivating of common fields, and which gave general satisfaction.

In that early stage of the settlement of the Territory, very serious damage was frequently done, to the property of the inhabitants, by setting fire to the woods and prairies—sometimes by design, but more frequently by carelessness. It often happened, that by such fires, fences, buildings, stack yards, and other improvements were consumed.

The extent of the evil, and the apprehension it produced, on the public mind, cannot be realized by those who have not lived on the frontier of a new, sparsely-settled country. Numerous petitions, on that subject, were presented, and a law was passed granting relief.

From the first settlement of the Territory, the Commonwealth of Kentucky, claimed exclusive jurisdiction, on the Ohio river—which had been reluctantly submitted to, by the people of the Territory, and from which very serious difficulties and embarrassments had resulted. Persons arrested by Territorial officers, for crimes committed on board of boats, lying at, or floating near the shore of the Territory, were released on *habeas corpus*, or discharged on pleas to the jurisdiction of the Territorial courts. Those who set up this exclusive right, claimed, that it extended to high water mark; and insisted, that when the river at a high stage, passed a portion of its water through a bayou, or over low ground, into the main stream below, the ground, so separated, was an island, within the meaning of the act of cession, the jurisdiction and soil of which was vested in Kentucky. On that hypothesis, a Virginia Military Land Warrant, was located, many years ago, on land so situated, for which a patent was obtained, on the ground before stated.

This condition of things was highly embarrassing, and frequently resulted in the escape of criminals, from deserved punishment. The claim was considered extremely oppressive, and was loudly and justly complained of. Many persons of intelligence, expressed the opinion, that the cession of the entire country, north-west of the river, including jurisdiction, as well as soil, in connection with the fact, that the river had been declared a public highway, to be used freely as such, by all the citizens of the United States, might be considered as giving the people of the Territory the jurisdiction they claimed. Mr. B., with others, was disposed to maintain that opinion, and to assert

it, as the only remedy for the embarrassments experienced by their magistrates and courts of justice. They entertained no doubt of their claim to low-water mark, and were disposed to claim a common right over the whole river, or an exclusive one, to the middle of it.

Accordingly, in the early part of the session (1799) on leave granted to introduce a bill defining and regulating privileges, the right of concurrent jurisdiction was affirmed, by legalizing the service of process, civil and criminal, on any river, or water course, within, or bounding the Territory. That bill passed by a unanimous vote, in each house, and was approved by the Governor, with a distinct understanding, that it asserted the right of concurrent jurisdiction over the whole river. From that time, the tribunals of the Territory, and afterwards of the State, sustained the legality of arrests made on the Ohio river. Kentucky, however, continued to dispute the right, though no serious effort was made to resist it, for a number of years; but, subsequently, the opposition on the part of that State, was revived, and became so serious, that the Legislature of Ohio passed a resolution requesting their Governor to correspond on the subject, with the Governor of Kentucky. At a subsequent session, the Legislature were informed, that the Governor of that state had declined holding any correspondence on the subject.

When that result was communicated, Mr. B. was a member of the House; and having had something to do with that matter, in the Territorial Legislature, he determined to give it a thorough investigation. Accordingly, he examined the entire legislation of Virginia, in regard to it. He found that the act passed in December, 1789, authorizing the district of Kentucky to form a separate government, was in the form of a compact, and set forth, distinctly, the terms and conditions on which, and on which alone, the district should be permitted to form a government for themselves. One of them declared, in express

terms, that the State to be formed in the district, should never claim the exclusive jurisdiction on the Ohio river; but that it should be forever common to them and to the people and States on the opposite side. These conditions were agreed to by the people of Kentucky, and a State Constitution was formed in 1792, containing a clause, that the compact with the State of Virginia, should constitute a part thereof.

The result of that examination was communicated to the Legislature, and produced a perfect conviction, that the right for which they had been attempting to negotiate, was secured to them, as far as Kentucky was concerned, by the prudence and foresight of the Commonwealth of Virginia. Since that time there has not been any difficulty with the State, or people of Kentucky. A similar embarrassment, however, may arise with the State of Virginia, as to our right on the river above the mouth of Big Sandy. But judging from what she has done, to secure the jurisdiction on the river below that point, it is not presumed she will ever desire to restrict it above.

It has been heretofore remarked, that the labor of preparing and maturing the business of the Territorial Legislature, rested on the shoulders of a few individuals. In proof of that remark, the Journal of the Legislative Council shows, that during the session of 1799, Mr. B., a member of that body, prepared and reported the following bills, to wit: a bill to regulate the admission and practice of attorneys at law: a bill to confirm and give force to certain laws enacted by the Governor and Judges: a bill making promissory notes negotiable: a bill to authorise and regulate arbitrations: a bill to regulate the service and return of process, in certain cases: a bill establishing courts, for the trial of small causes: a bill to prevent trespassing, by cutting of timber: a bill providing for the appointment of constables: a bill defining privileges, in certain cases: a bill to prevent the introduction of spirituous liquors, into certain Indian towns: a bill for the appointment of general

officers, in the militia of the Territory: a bill to revise the laws adopted, or made, by the Governor and Judges: a bill to authorise the raising of money by way of lottery: a bill for the relief of the poor: a bill repealing certain laws and parts of laws: and, a bill for the punishment of arson.

He was also appointed to prepare and report rules for conducting the business of the Legislative Council, and an answer to the Governor's address, to the two houses, at the opening of the session; and also to draft a memorial to Congress, on behalf of purchasers of land, in the Miami country, and a complimentary address to the President of the United States.

During the first stage of Territorial government, from 1789 to 1799, the law for the collection of small debts subjected the inhabitants to great trouble and expense; and sometimes, to the most oppressive exactions. The counties were large, and the jurisdiction of justices, was co-extensive with their limits. Process to collect a debt, of one dollar, might be sent, and served, fifty miles, or more, from the place of its return; and, in addition to this, justices were in the habit of undertaking the collection of debts, far exceeding the amount, within their jurisdiction, by dividing them into small sums, on each of which, they commenced a suit, and allowed the constable his traveling fees; so that, in many cases, the costs very far exceeded the amount of the original debt. To abate that grievance, the law above referred to, limited the jurisdiction of justices, in civil cases, to the townships in which they severally resided, and prohibited them from issuing more than one writ, or summons, on the same claim.

The bill defining privileges, reported by Mr. B., protected the whole community from arrest, on civil process, on *the Fourth Day of July*, giving protection to all classes of men, while engaged in its celebration, and participating in the pleasures and festivities, which the elder Adams predicted,

would distinguish it, to the end of time, from all other days in the calendar. It is believed that this was the first legislative act, in the United States, which hallowed that eventful day, and made it a protected jubilee to every individual in the nation. Since then, similar exemptions have been enacted in several of the States.

Under the first grade of Territorial government, the Governor and Judges, in their legislative capacity, had taken great liberties with the laws they adopted. In some instances, they retained nothing more than the title of the adopted law, the body of it being stricken out, and the vacancy filled with matter to suit themselves. The Governor, as has been before stated, remonstrated against that course; and, after the organization of the Legislature, presented the subject to their consideration, and recommended such legislation in reference to it, as they might think necessary. In response to that communication, the bill, giving effect to those laws, was reported. Their validity, though questioned from the beginning, had been acquiesced in, for reasons heretofore stated; but it was thought advisable to remove all doubt, by giving them the sanction of the Legislature.

The bill to prevent the introduction of ardent spirits into the Indian towns, was passed at the instance of the missionaries of the church of United Brethren, who had made establishments, under the authority of Congress, at Shoenbrun, Gnadenhutten, and Salem, on the Tuscarawas branch of the Muskingum river, then in the county of Washington. The Indians in those settlements, had been Christianized, and had made considerable progress in agriculture, and the arts; but when the white population settled in their neighborhood, and began to associate and trade with them, whiskey was introduced into their towns, as a profitable article of traffic. The effect it was producing, on their industry and moral habits, became alarming, and induced

the missionaries to apply to the General Assembly, for relief; who granted it promptly, to the extent of the means in their power.

As was expected, the establishment of the second grade of government, made it necessary to increase the taxes, to meet the additional expenditure, which it had caused. For that purpose, provision was made for the appointment of a Territorial Treasurer, and an Auditor of Public Accounts, to whom the management of the fiscal concerns of the Territory, was committed.

As the public debt increased faster than the means of payment, a resort was had to the credit system. The Auditor was authorised, in payment of claims on the Treasury, to issue certificates, which were made receivable for taxes, and passed current, at a small discount, in the business transactions of the country. These vouchers were denominated "Auditor's Certificates," and were required to be cancelled as soon as redeemed at the Treasury. Although they were printed on common paper, in a plain style, no attempt was made to counterfeit them. They answered a useful purpose, and, in fact, the government could not have been sustained without them. The people saw they were necessary, as well as convenient, and no effort was made to undervalue, or depreciate them.

At the time now spoken of, the inhabitants of the Territory were few in number, and scattered over an extensive country. They were poor, and without commerce. All their foreign supplies were obtained at a heavy expense; and there was no market for the surplus products of their small improvements. It is therefore matter of surprise, that they were able to sustain the expense of any form of government; and it is evident, they could not have done so, without the most rigid economy, in their personal and family expenditures, as well as in the management of public affairs. The officers of the Territory were few in number, and their salaries were small in amount. The largest re-

ceived in the Territory, were those of the Governor and Judges of the General Court, which were paid from the national treasury. To form a correct idea on this subject, it must be borne in mind, that, at the time spoken of, the entire Territory, from Pennsylvania to the Mississippi, and from the Ohio to the Lakes, contained only five thousand white males, of all ages. Of course, the adults, on whom the burden of government rested, were few in number, as well as destitute of pecuniary means.

The Legislature, being anxious to encourage industry and frugality, and to check idleness and intemperance, passed an act, authorising the appointment of guardians, to persons who were wasting their estates, by excessive drinking, gambling, idleness, or debauchery of any kind; and declaring, that after such appointment, no sale, bargain, or contract, made by such person, should be held valid in law.

When the session of 1799 was drawing to a close, a joint committee was appointed to report an address from the General Assembly to John Adams, President of the United States. An address was accordingly prepared, and reported to each house. In the Council, it was adopted by a unanimous vote, and in the House of Representatives with five dissenting votes. At that time, great unanimity prevailed in the Territory on political questions; while the States were rent, and almost torn asunder, by party strife. This calmness and unanimity, was ascribable, principally, to the fact, that the people of the Territory had no voice in electing the officers of the General Government, and the Government had but little patronage to distribute among them.

The address to the President was complimentary, but not more so than was just. It eulogized his talents and patriotism, and referred to the great services he had rendered the country during the struggle for independence, both in the councils of the nation and at foreign courts. -It

alluded, very specially to the firmness with which he resisted the effort of the British commissioners, during the negotiations at Paris, to make the river Ohio the northern boundary of the United States.* It referred to his attachment to the principles of the Constitution—to his fidelity and integrity in administering the government. It gave him the strongest assurances of their purpose to sustain and support him, in the discharge of his arduous duties; and declared their conviction that those duties had been performed with impartiality and a single eye to the prosperity of the nation.

* When the American and British commissioners were negotiating the terms of the Treaty of peace at Paris, in 1782, Great Britain insisted on making the Ohio river a boundary of the United States. The American commissioners resisted the proposition, principally on the ground that the territory north-west of that river had been conquered by General Clarke, in 1778, and was then in the occupancy of the troops of the United States. The pertinacity with which the claim was insisted on, induced Dr. Franklin to suggest to his colleagues, Mr. Adams and Mr. Jay, whether it would not be better to yield that point, than to fail in the main object—it being understood that the French government were favorable to the claim. Mr. Adams very promptly answered, "No;" and declared that sooner than yield the western territory, he would withdraw from the negotiation—return home, and exhort his countrymen to continue the war, as long as they could keep a soldier in the field. Mr. Jay was equally determined; and Dr. Franklin concurred. It was well known that the Count de Vergennes had produced some influence on the mind of Dr. Franklin, in favor of the claim. But when the final decision of the American commissioners, on that point, was officially declared, that boundary was reluctantly abandoned.

CHAPTER XVI.

Congress remove the Seat of Government to Chillicothe.—Considered an usurpation of power.—Meeting of the Assembly.—Governor's address.—Replies of the two Houses.—Proceedings of the Assembly.—Law to protect the Indians.—Connecticut Reserve.—Controversy settled.—Governor and Assembly differ in opinion.—His term of office about to expire.—Power of the Secretary to act, in that case, denied.—Assembly prorogued.

AFTER the close of the first session of the Territorial Legislature, Congress passed a law, removing the seat of government from Cincinnati to Chillicothe. That step was considered, by the most intelligent men in and out of the Legislature, as a manifest usurpation of authority; inasmuch as the Ordinance had vested the entire legislative power of the Territory in the General Assembly, which then stood adjourned to meet at Cincinnati, on the first Monday in November, 1800: Nevertheless the two Houses, in obedience to that law, though they viewed it as an arbitrary infringement on their rights, assembled at Chillicothe, in conformity with the order of Congress. The Governor met them, and having stated the measures, which in his opinion, required legislative attention, closed his address with these emphatic words:

"My term of office, and yours, gentlemen of the House of Representatives, will soon expire. It is, indeed, very uncertain, whether I shall ever meet another Assembly, in the character I now hold; for, I well know, that the vilest calumnies and greatest falsehoods, are insidiously circulated among the people, with a view to prevent it. While I regret the baseness and malevolence of the authors, and well

know, that the laws have put the means of correction, fully in my power; they have nothing to dread from me, but the contempt they justly merit. The remorse of their own consciences, will one day, be punishment sufficient. Their arts may, however, succeed. Be that as it may, of this I am certain—that, be my successor who he may, he can never have the interest of the people of this Territory, more truly at heart, than I have had; nor labor more assiduously for their good, than I have done. I am not conscious that any one act of my administration, has been influenced by any other motive, than a sincere desire, to promote their welfare and happiness.”

To this address each House returned such a reply, as suited its taste and feeling. The answer of the Legislative Council, closed with the following remarks:

“It is with real concern and indignation, that we view the malicious attempts which have been made, to asperse the character of your Excellency; and though the provisions of the law might subject the authors to punishment, yet we agree with you, that attempts so despicable, and wicked, deserve no other notice than contempt. Believing that your general conduct, as chief magistrate, has been dictated by a pure desire to promote the interests and welfare of the people of this Territory, the Legislative Council feel it a duty incumbent upon them, at this time, to express their confidence in your administration, and their wishes for its continuance.”

In the address presented by the House of Representatives, the following sentiments were contained:

“We regret, sir, that calumny and falsehood, should be resorted to, in order to render your administration unpopular, among the good people of this Territory; but, we trust, the services you have rendered heretofore, in the cause of liberty and your country, together with the manifest purity of your intentions, since you have been entrusted with the dignified office you now fill; will be a sufficient shield, to

guard you against the unprovoked attacks of the wicked and malevolent."

In the Legislative Council, the reply to the Governor's address was passed by a unanimous vote; but in the other House, there was an opposition, and the *ayes* and *noes* being demanded, the vote stood, *ayes* 10, *noes* 7.

It will be recollected, that before, and at the time, the Ordinance for the government of the Northwestern Territory was made and adopted, the State of Connecticut had a claim to the jurisdiction and soil of a large tract of land, situate on the south shore of Lake Erie, within the limits of the Territory, then estimated to contain about two millions and a half of acres, denominated "The Western Reserve of Connecticut." That claim was predicated on an averment, that the charter of the colony, extended to the Pacific Ocean; and that in her relinquishment of western lands to Congress, she had specially reserved that strip, for her own use. Fears had been entertained, that the claims of that State, adverse to those of the United States, might be attended with unpleasant results; as the Territorial Legislature, following in the footsteps of the Governor and Judges, in the exercise of their legislative functions, had assumed jurisdiction over the entire Territory, in conformity with the Ordinance; and were enforcing the execution of their laws, by their own officers and judicial tribunals. Those unpleasant apprehensions, however, were removed, before any collision took place, by an agreement between that State and the United States; executed in the spring of 1800, which was communicated, officially to the Legislature, in the Governor's message. By that arrangement, the State of Connecticut relinquished to the United States, all right of jurisdiction; and the United States relinquished to Connecticut, all right of title, to the soil of the disputed territory.

Early in the session the two houses met for the purpose of filling the vacancy in Congress, occasioned by the resignation of Mr. Harrison, and also to elect a Delegate for

the next succeeding Congressional term. The ballots having been taken and counted, in the manner prescribed, it appeared that Mr. McMillan, of Hamilton county, was duly elected to fill the vacancy until the 4th day of March, and that Paul Fearing, of Marietta, was elected to represent the Territory for the two years thereafter.

During the session of 1800, upwards of twenty laws were passed, some of which were of great importance, and all were supposed to be necessary for the convenience and safety of the inhabitants. The law requiring the proprietors of towns, to cause the original plats thereof, together with affidavits of their correctness, to be recorded, and imposing penalties for disobedience, has been of great use in adjusting controverted claims to individual property and public franchises.

The law defining seals to be affixed to certain instruments of writing, was considered as a dangerous innovation on the established law. It declared a scrawl made with pen and ink to be a valid seal to all instruments of writing requiring seals, except deeds, wills, and bonds, and powers of attorney, for the conveyance of real estate. After that act had been in operation a few years, the subject was again taken up by the Legislature, in 1805, and the provision was extended to all instruments whatever, to which seals were required by law.

The law for the maintenance and support of illegitimate children, which was passed at that session, allowed the mother of the bastard child to be a competent witness to prove the person accused by her to be its father. That feature of the bill was considered dangerous, as it put it in the power of an abandoned woman to screen her paramour, and fix the penalty of his crime on an innocent individual, and also to extort money from innocent persons, to escape the consequences of being publicly though falsely charged. On that account it was opposed with some warmth. The members who supported it, admitted that

there were cases in which it might operate unjustly; but contended, that without the provision, the law, in almost every case, would prove a dead letter, and the seducer escape punishment. That appeal to the sympathy of the members prevailed, and the provision was retained.

The act regulating Circuit Courts and allowing appeals from the Court of Common Pleas, passed at the same session, contained a new principle, that of permitting an issue of fact after it had been fully and fairly tried by a jury, to be taken up by either party as a matter of right, to the Supreme Court, and tried a second time on its merits, by which cost was accumulated, and the administration of justice, especially in the collection of debts, greatly impeded and delayed. For these reasons the passage of the bill was opposed, though unsuccessfully. It was not long, however, before all parties admitted that the provision operated injuriously; yet, strange as it may be, it was continued in force till 1845. The writer of this article was a member of the Legislative Council, and opposed the bill, in the year 1800, and has lived to see it repudiated and repealed, after an experiment of forty-five years.

During the same session, a joint committee was appointed for the purpose of investigating the books of the Treasurer, and the Auditor of Public Accounts. That committee having discharged the duty assigned them, reported, that they found the accounts to have been regularly kept, and to correspond with the report and exhibits laid before the Assembly at the commencement of the session. They also expressed an opinion, founded on reasons set forth in their report, that the revenue for the current year would be sufficient for the wants of the Government, and that the credit of the Territory would be honorably maintained. In regard to the accounts of Rice Bullock, the former Auditor, they reported, that they found them so inaccurate, that they were unable to make a satisfactory report, and recommended the appointment of Commissioners, to take

charge of, and report on them, to the next session of the Legislature. That recommendation was agreed to, and a committee appointed accordingly.

Soon after the organization of the General Assembly, in 1799, it was ascertained that an unhappy difference in opinion existed, between that body and the Governor, on the subject of the division, and alteration of counties. The Ordinance provides, that the Governor shall proceed, from time to time, as circumstances may require, to lay out the parts of the district in which the Indian title shall have been extinguished into counties and townships, subject, however, to such alterations as may thereafter be made by the Legislature. Under that provision it was insisted by the General Assembly, that after the Governor had laid out the country into counties and townships, as he had already done, under the first grade of Government, it was competent for them to pass laws, altering, dividing, and multiplying, them at their pleasure, to be submitted to the Governor for his approbation. They insisted that, when the Territory had been divided into counties by the Governor, his exclusive power was exhausted, and any alterations thereafter required, were to be made by the Legislature, with his assent. They contended that a power to lay out new counties, where none existed before, did not carry with it a right to alter or divide them after they had been laid out, and especially so when the exercise of the latter power was otherwise expressly disposed of. On the other hand, the Governor alledged, that the General Assembly had no right to meddle with that subject, affirming, that the whole power in regard to it was vested in himself. They persisted, however, in their claim of right, and passed a number of bills altering the boundaries of some of the counties, and dividing others so as to establish new ones, and sent them to the Governor for his approval. He refused to consider them, assigning as his reason that the Assembly had transcended their powers by attempting to act on the

subject, and did not even return them to the House in which they originated.

Anxious to remove that difficulty, early in the session of 1800, the Assembly sent to the Governor a joint address, stating the grounds on which they claimed the right of legislating on the subject; and respectfully requesting him to re-consider the decision he had made. To that address he returned an elaborate reply, re-affirming his exclusive right, and attempting to support it, by reasons more plausible than solid; some of which were by no means complimentary to the judgment or intelligence of the Assembly.

So far as pride of opinion was involved, the Assembly had the satisfaction of knowing that their construction of the Ordinance in regard to the power in question, was sanctioned by Congress, without any effort on their part to produce that result.

It was the duty of the Governor to report his official proceedings, from time to time, to the Secretary of State of the United States, to be submitted to Congress for their approval. Among other communications, a statement of the new counties laid out and established by him subsequent to the organization of the General Assembly, was transmitted. When that document was taken up in the Senate for consideration, it was objected that the Governor had exhausted the power given him by the Ordinance, to lay out the Territory into counties and townships, before the counties in question had been formed, and that the entire power, on that subject, was then vested exclusively in the Territorial Legislature. The Senate concurred in that opinion, and of course disaffirmed the proceedings of the Governor.

The result was, that the inhabitants of those districts were very seriously disappointed, and, during the temporary absence of the Governor, addressed the Secretary of the Territory, Charles Wylling Byrd, asking for relief. The Secretary advised them, in substance, that his powers were limit-

ed, and that he could not grant their request; but that he would embrace the first opportunity of presenting their case to the Legislature, and would exert his influence to give it effect. It so happened, however, that before the day appointed for the next session of the Territorial Legislature arrived, a Convention had been elected, and the Legislature did not assemble. In confirmation of these facts, the reader is referred to the Appendix, I.

From the first organization of Government in the Territory all elections had been held *viva voce*. In the Governor's address to the Legislature, he invited their attention to that subject; and suggested a variety of reasons, why, in his opinion, the people would be able to give their votes with more freedom and independence, if they were permitted to do it, by written or printed ballots; not to be opened or inspected, at the time of their presentation. One of the chief inducements offered to make the proposed change was, that tenants, and persons under pecuniary liabilities, could not vote openly, according to their own judgment, without encountering the hazard of persecution. After having deliberately examined that subject, the impression on the mind of the Legislature was, that past experience had not indicated the necessity of the proposed change; and that the Executive recommendation ought not to be adopted. But immediately after the establishment of the State Government, the mode of conducting elections was changed. The manly, independent practice of pronouncing audibly and fearlessly, the names of the candidates voted for, was abandoned, and the secrecy of the ballot-box introduced in its stead.

At the same time, the Governor invited the attention of the Assembly to the condition of the Indians, and requested that measures might be devised for their protection and safety. He observed, that irrespective of the principles of religion and justice, it was the interest, and should be the policy of the United States to be at peace with them; but

that could not continue to be the case, if the treaties existing between them and the government were broken with impunity, by the inhabitants of the Territory. He referred to the well known fact, that while the white men loudly complained of every injury committed by the Indians, however trifling, and demanded immediate reparation, they were daily perpetrating against them injuries and wrongs of the most provoking and atrocious nature; for which the perpetrators had not been brought to justice.

It was universally known, that many of those unfortunate people had been plundered and abused with impunity. Among other things, the Governor stated, that it would be criminal in him to conceal the fact that the number of those unfortunate people, who had been murdered since the peace of Greenville, was sufficient to produce serious alarm for the consequences. He added further, that a late attempt to bring to punishment a white man who had killed two adults of the Six Nations, and wounded two of their children, in Trumbull county, proved abortive. Though the perpetration of the homicide was clearly proved; and it appeared manifestly to have been committed with deliberate malice, the prisoner was acquitted. That occurrence, together with other facts of a similar character, known to some of the members, induced the Legislature to pass an act, "providing for the trial of homicide committed on Indians," which, as far as was practicable, gave the remedy requested. Among other provisions, it authorised the Governor to order special Courts of Oyer and Terminer, to be held by the Judges of the General Court, for the trial of such cases; and, if necessary, to grant a change of venue. That law, and the one passed at the preceding session, to protect those unhappy people against the destructive effects of intemperance, exhausted the means in the power of the Assembly to guard their rights, and secure to their persons the protection guaranteed by the treaty of 1794.

It has been stated, in the commencement of this chapter, that although the Legislature, by common consent, assembled at Chillicothe, yet it was under a conviction that the law of Congress, so far as it professed to remove the seat of government, was an infringement on their legislative franchise. Under that impression, the Council, at an early period of the session, passed a bill designating the places of holding the General Assembly; and sent it to the House of Representatives, for their concurrence. It directed the sessions of the Assembly, to be held in rotation, at Marietta, Cincinnati, and Chillicothe, in the order in which they were named. When it was taken up in the House, it was the unanimous opinion of that body, that they possessed the power necessary to pass it, and change the seat of government; but there was a diversity of opinion, as to the place to which the removal ought to be made. A majority of the members were opposed to the provision in the bill, passed by the Council, and, on motion, it was stricken out. That being done, a majority could not be obtained, in favor of a substitute, and the bill, of course, was lost.

The petition of Lucy Petit, of Marietta, was presented in the House of Representatives, praying for the passing of an act, to divorce her from her husband, John G. Petit, then, and for several years before, a resident of France. The evidence presented a strong case for relief; and the Committee, to whom the petition and papers were referred, reported a bill in conformity with the prayer of the petitioner, which passed both Houses and became a law.

On the 2nd of December, the Governor informed the Assembly, by a written message, "that on Thursday, the 9th of the month, an end must be put to the session of the Legislature; as on that day his term of office would expire; and it was not a case provided for by law, in which the place of the Governor, could be supplied by the Secretary."

On that subject, there was a diversity of opinion. The general sentiment of the Assembly was, that, on a fair

interpretation of the act of Congress, of August 1789, the Secretary of the Territory was fully authorised to discharge the duties of the Governor, after the expiration of his term of office. The provision is in these words: "In case of the death, removal, resignation, or necessary absence of the Governor, from the Territory, the Secretary thereof shall be, and he is hereby, authorised and required, to execute the powers, and perform all the duties of the Governor, during the vacancy, occasioned by the removal, resignation, or necessary absence of the Governor." The simple question was, whether, according to the spirit and true intent of the foregoing provision, a vacancy in the office of Governor, by reason of the expiration of the term of his appointment, was not such a removal from the office, as authorised the Secretary, to assume the executive functions.

The Legislature believed it to be immaterial, whether the Governor was removed by an executive act, or by the expiration of his term of office. In either case, they considered it a removal of such a character, as was contemplated by Congress, when they passed the act of August, 1789. It appeared to them, that the vacancy in the latter case, was one of the most obvious occurrences, for which the law was intended to provide. That the President might omit to nominate, or the Senate, in consequence of a diversity of opinion, or otherwise, might delay final action, on the nomination of a successor to a Governor in commission, till after the office should become vacant, must have been so distinctly, in the mind of the Committee, who prepared the bill, as to preclude the supposition, that that emergency was overlooked. But as they knew the Governor had the power to prorogue them, at his pleasure, be the facts as they might; they believed it would be useless, to make an effort to change his opinion. The message was therefore received, without remonstrance or reply of any kind; although there were then several matters of much interest, requiring legislative action; which they knew, must be continued over, in

consequence of the ground assumed by his Excellency. Under that impression, when the 9th of December came, they assembled in the chamber of the House of Representatives, and were prorogued without day.

It was somewhat remarkable that the opinion of the Governor, and his purpose to adjourn the Legislature, were concealed in his own bosom, till it was too late to confer with the Secretary of the Territory; who was then absent from the seat of Government. As it was known, that his opinion of his own powers, coincided with that of the Legislature, it was not doubted, that, if such a conference could have been had, he would have taken the responsibility of giving notice, at once, that he would issue his proclamation, bearing date on the day, next after the expiration of the Governor's term of office, re-assembling the two Houses, forthwith, for the dispatch of business, before the members should separate, and return to their respective homes. By that measure the sitting of the Assembly would have been continued, till the public business, then pending was disposed of.

It was the prevailing opinion, that the Governor ought to have given notice of his view, of the powers of the Secretary, and of his intention to prorogue the Legislature, in his address at the opening of the session. It was strongly insinuated, that he withheld the information, for the express purpose, of preventing the interference of the Secretary, till it would be too late to accomplish the object. Many of his best friends were apprehensive, that such a motive, might have had an improper influence on his mind.

Soon after the Governor had prorogued the Legislature, he was re-appointed by President Adams; and about the same time Solomon Sibley, one of the members of the lower House, from Detroit, was nominated and appointed, to fill the seat in the Council, vacated by the exclusion of Mr. Vanderburgh, in consequence of the division of the Territory.

CHAPTER XVII.

Meeting of the General Assembly.—Their proceedings.—Mob in Chillicothe. Its object.—Omission of the police to interfere.—Seat of Government removed.

On the 24th of November, 1801, the General Assembly met at Chillicothe, in conformity with the proclamation of the Governor, and entered on the business of their third session, or more correctly, the first session of the second legislative term. The Governor, as he was wont to do, met them in the hall of the House of Representatives, and addressed them at some length on the different subjects which he recommended to their consideration.

In regard to the militia, and the law of the preceding session, which provided for their organization and discipline, he observed, that a considerable number of the people called Quakers, had lately become inhabitants of the Territory, and that more might be expected to follow them; that the general character of the people of that profession, for industry, sobriety, and good morals, was generally known and acknowledged, and was such as rendered them a valuable acquisition to any country; but that their religious principles forbade them to take arms.

He further remarked, that to impose fines on people, principled against arms, for not attending musters, established for the purpose of acquiring skill in the use of them, seemed to be a species of persecution; yet he thought it reasonable, that if they were exempted from that duty, they should render something to the community as an equivalent; and expressed an opinion, that they would willingly

pay a small sum of money, annually, for the exemption; and he recommended the subject very decidedly to the consideration of the Assembly.

Notwithstanding much time had been consumed on that subject, at the preceding session, and although it was generally believed, that the render of any thing, however trifling, as an equivalent, or substitute for the performance of militia duty, would be quite as repugnant to their feelings and principles, as the performance of the duty itself; yet an act supplementary to that of the preceding session was passed, providing that if any person should produce to the commanding officer of the company, within the limits of which he resided, a certificate under the hand and seal of a magistrate, residing within his county, stating that such person had duly taken an oath or affirmation that he was conscientiously scrupulous of bearing arms, or performing military duty, and should pay to the said officer one dollar and twenty-five cents, he should be exempt from militia duty for one year, and for as long, thereafter, as he should continue, yearly, to render that equivalent.

On the subject of exports from the Territory, the Governor remarked, that it was of the first importance, that articles sent to foreign markets, should be of the best quality; and that the quality should be ascertained to the purchaser, by some public stamp, in which he could place confidence. At that time there was a very small amount of produce exported from the Territory; yet as population was rapidly increasing, and agricultural improvements were multiplying, and extending, the subject was held to be of high importance; and a committee was appointed to prepare and report a bill, "to provide for the inspection of certain articles." Such a bill was drafted with care; reported to the Legislature, passed by both Houses, and, on the 9th of January, 1802, approved by the Governor.

There being no Courts of Chancery in the Territory, in which the specific performance of contracts could be en-

forced, to obviate that difficulty, a law was reported and passed, authorising the Orphan's Court, on petition, in certain cases named, and in the manner specified, to make and record orders requiring contracts to be executed; and designating, by whom, and in what manner it should be done. The same defect in the judicial system of the Territory rendered it difficult for mortgagees to avail themselves of the full benefit of their securities. For the purpose of granting relief in such cases, an act was passed, "providing for the recovery of money secured by mortgage." The process authorised, was the writ of *scire facias*, and the mode of proceeding was designated specifically, and so guarded as to form a safe, convenient remedy.

In the partition of real estate, difficulties were found to exist, arising from the same cause—the want of Chancery power—to remedy which, as effectually as possible, a law was prepared and reported, by which joint tenants, tenants in common, or coparceners, of any estate in lands, tenements, or hereditaments, within the Territory, held or claimed by devise, descent, patent, deed, covenant, or other contract, might be compelled to make or suffer partition. The mode of proceeding was by petition; either in the General Court, or Court of Common Pleas. The powers of the Court, the mode of proceeding, and the relief to be granted, were specifically provided, and set forth in the body of the act, and were so guarded as to secure, as far as practicable, the object in view, with as little expense and delay as was consistent with the safe and correct administration of justice. After it had been carefully revised and amended, in the two Houses, it was passed, and approved by the Governor; and was found in practice, to be very beneficial. With some modification of its details, it was continued in force many years, by the State Legislature.

Another subject of some importance, which occupied the attention of the Assembly, during their sitting, was the distribution of insolvent estates. An act was passed, on that

subject, recognizing the just and equitable principle, of dividing the assets of deceased persons, among all their creditors, in proportion to the amount of their several claims, regardless of their character, or dignity, giving a preference only to money due for taxes, or to the United States, or to the Territory, or county, or for the last sickness of the deceased. The mode provided for ascertaining, and settling the debts, was, by a board of Commissioners, appointed by the court.

A law was also passed, making it the duty of sheriffs, on demand made for that purpose, by the plaintiff in any suit, in which a bail bond had been, or should be taken, to assign the same to the plaintiff, under his hand and seal; and authorising the assignee, to sustain an action thereon, in his own name, subject to such equitable rules, as the court might think necessary, to prevent injustice, or extortion. Separate acts were passed, during the session, to incorporate the towns of Cincinnati, Chillicothe and Detroit; and also to establish an University in the town of Athens; on the land granted by Congress, for that purpose, to Sargent, Cutler & Co.

An act was also passed, declaring the assent of the Territory, to an alteration in the Ordinance, for the government thereof; the object of which was, to effect a change in the boundaries of the three States, first to be formed therein. After the passage of that act, a remonstrance, in the nature of a protest, was signed by seven members of the House of Representatives, and entered on the Journal. One of the chief objections to that measure was, that, if carried into effect, the change of boundary proposed, would retard the establishment of a State government, in the eastern division. That objection was urged with much energy, by the opposers of the measure; and had great weight, with the new administration of the general government, then just coming into power, under the auspices of Mr. Jefferson; who relied confidently, on increasing the numerical strength

of his party by the formation and admission of the proposed State, into the Union. The consequence was, that when the law was laid before Congress, at their next session, for their approval, they refused to sanction it; and as a matter of course the object of it was lost.

The friends of the change admitted that it might keep back the formation of a State government, in the eastern division, a short period, probably a year—certainly not more; but, that any inconvenience, which might result from the delay, would be more than compensated for, by its beneficial tendencies. It was, however, impossible to change the opinion of those who had set their hearts on the immediate establishment of a State government.

During the same session, two petitions were presented, praying that an act might be passed, declaratory of the true intent and meaning of that part of the Ordinance, which relates to slavery, and involuntary servitude, so as to authorise and require the courts of judicature, to compel a specific performance of covenants, or indentures, entered into for a valuable consideration. As it was apparent that the object of the petitions, was to introduce a species of limited slavery, by the instrumentality of contracts, or indentures, contrary to the spirit and design of the Ordinance, they were laid on the table, with an understanding that they should not again be taken up.

The determination to exclude, for ever, from the limits of the Territory, the degrading relation of master and slave, seemed to be universal among the inhabitants, and was responded to by every member of the Assembly. The feeling which was manifested on that occasion, and on another, similar in character, at a preceding session of the Assembly, when the officers of the "Virginia line on Continental establishment," asked permission to remove to the Territory, and settle, with their slaves, on their bounty lands; afforded the most satisfactory evidence, in the infancy of the western settlements, of a resolution to maintain the

Ordinance; by resisting every attempt that might be made, in any form, to introduce involuntary servitude into the Territory, or the States to be formed within it. As a number of the members of the State Convention which formed the Constitution, had been members of the Territorial Legislature, when those petitions were presented and rejected, it was evident that what had transpired on those occasions, had great influence in leading the Convention to adopt the provision found in the second section of the 8th article of the Constitution, relating to indentures made by persons of color.

Towards the close of the session, a message was received from the Governor, calling the attention of the Legislature to certain riotous proceedings, on two successive nights, by an assemblage of citizens of Chillicothe, by whom the peace of the town had been disturbed, and the personal safety of some of the members of the Legislature endangered. It was represented, that a portion of the respectable citizens, had given countenance to the mob; and that no efforts were made by the police, or the citizens, to suppress it, or punish those who were engaged in it. The object of the movement was evidently to insult the Governor, and do personal violence to some of the members of the Legislature. Mr. Scheifflein, a member from Wayne county, was one of the persons whom it was intended to insult. He had spoken very freely on the subject of the removal of the seat of government from Cincinnati, and of the supposed agency of the people of Chillicothe, in bringing it about, and had, thereby, incurred their ill will. Other members had also given offence, by similar observations; and it was the manifest design of the instigators of the movement, to punish them for so doing.

Mr. Scheifflein, on that occasion, behaved with great firmness. After the rioters had forced the outer door of the house in which he and the Governor boarded, he met them in the passage with a brace of loaded pistols, and

drove them back into the street. Those proceedings were continued two succeeding nights, but terminated without serious injury, to any individual, on either side. When the disturbance was over, it was a mortifying reflection that the Legislature had no power to interfere, in any manner, with the rioters, or with the officers, who omitted to discharge their duty. With a view, however, of guarding against a similar outrage, and of expressing their feelings on the occasion, they passed a law removing the seat of government from Chillicothe, and establishing it at Cincinnati. The Legislature having passed thirty laws, adjourned on the 23d of January, 1802, to meet at Cincinnati, on the fourth Monday of November following.

CHAPTER XVIII.

Population of the Eastern Division in 1802.—Steps to obtain a State Government.—Application to Congress for permission to call a Convention.—Permission given on conditions.—Their oppressive character.—Opposition to the measure.—On what grounds.—Right to tax public lands relinquished.—Loss sustained by it.—State of parties.—Note.—Excitement at Detroit.—Opposition to the law for erecting a new State.—Correspondence on the subject.—Note.—The friends of a State Government become the majority.—The harmony formerly existing broken up.—Causes of the change.—Origin of party spirit.—Ambitious aspirants.—Their misrepresentations.

Soon after the adjournment of the General Assembly, in January, 1802, a census was taken in the eastern division of the Territory, which was found to contain forty-five thousand and twenty-eight persons of both sexes; after which, an application was made to Congress, for a law, authorising the inhabitants of that division to call a convention, and form a Constitution, preparatory to the establishment of a State government. Although, by the Ordinance, sixty thousand inhabitants were required, to entitle the district to become a State, as a matter of right; yet the law was passed, a convention elected, a constitution formed, and the district declared to be an independent State, and admitted into the Union; professedly, on an equal footing with the original States.

That, however, was not the case; as the original States were subject to no restriction, or limitation of power, other than that contained in the federal constitution; but the new State of Ohio was admitted with restrictions, and on conditions as degrading to the character, as they were injurious to the future prosperity of the inhabitants. One of

them was, that Congress should have the right of disposing of the jurisdiction of the Territory, lying north of the line drawn east and west, through the southern extreme of Lake Michigan, by establishing a Territorial government therein, whenever they might see proper; although the Ordinance declared, in express terms, that that Territory should remain a part of the State, formed on the south of it, till its inhabitants amounted to sixty thousand, which was not the case until the year 1835, when she formed a State Constitution, and was admitted into the Union.

As a matter of course, that entire district would have remained a part of the State of Ohio, subject to her laws, and liable to defray a just proportion of the expenses of the government, during the period intervening between the years 1802 and 1835; but in consequence of the foregoing concession, it was immediately detached from Ohio, and united to Indiana; but was soon after formed into a separate Territory, and continued so till it became a State; thus depriving the good people of Ohio, of all the benefits they would have derived from the population and wealth of that rich and extensive district, during the period of thirty-three years.

There is a fact, connected with this part of the subject, which may cast on it some light, and possibly disclose the motive which induced Congress to propose, and the Convention to accept, this restriction on the constitutional rights of Ohio. It was universally known, that the people of Detroit and the district connected with it, were unitedly, and warmly opposed to the change of government then contemplated. They were anxious to continue as a Territory; and whenever a State government should be formed on their south, to remain united with it, till their own population should amount to sixty thousand. There were, therefore, strong reasons to apprehend, that if they should become a part of the new State, the terms proposed by Congress, as the consideration of the privilege asked for,

might be rejected by the Convention, and the object of the movement thereby defeated.

The inhabitants of that part of the Territory, with scarcely one exception, were also decidedly opposed in politics to the party which had just possessed themselves of the administration of the general government. They were also numerous; their settlements, extending from the River Raisin to Detroit, and thence to Lake St. Clair, were densely populated, compared with the settlements in the centre, and on the south of the Territory. It was, therefore, almost certain, that, if they were united with the opposers of the proposed Constitution, in the Southern part of the district, they would reject the law of Congress, and prevent the formation of a State government. But if this should not be the case, still they would become citizens of the new State, which, with the aid of their numbers and influence, would most probably be placed in the ranks of opposition to the administration of the general government, by the men then in power. It is known to the writer, that these facts existed, whatever might have been their influence on the political leaders of the day.*

* As soon as it was ascertained that the law authorising the establishment of a State government, in the eastern district, excluded the people of Detroit and its vicinity, they remonstrated against it, with much warmth, and claimed the right of becoming a part of the State, and of remaining so, until their numbers should entitle them to a State government of their own. They complained of the exclusion, as unconstitutional, and oppressive; and declared their determination not to submit to it. Mr. Burnet, who was personally intimate with most of the leading men in those settlements, was written to, on the subject, in language of bitter complaint, by some of them, who requested his advice, as to the course they ought to pursue, to secure the right they claimed, under the Ordinance. [See Appendix H.] Their letters were promptly answered, with the temper and feeling which the political state of the country was calculated to excite. He coincided with them in opinion, on the question of their right. He did not believe that Congress could separate them, constitutionally, from the new State, then to be formed, without their consent.

It was not long, however, before the friends of the new State obtained their

Another condition was, that "the State should provide by an ordinance, irrevocable, without the consent of the United States, that every and each tract of land sold by Congress, from and after the 30th day of June next, should be and remain exempt from any tax, laid by order, or under the authority of the State, whether for State, county, township, or any other purpose whatever, for the term of five years, from, and after the day of sale."

It was the opinion of the persons opposed to the formation of a State government, at that period, that this condition was intended to imply an admission, that anterior to the sale, or while the land remained the property of government, it could not be subject to taxation by State laws. That construction, erroneous as it was, prevailed, and by a tacit acquiescence, the tax laws of Ohio were never extended to the public domain; and while every freeholder was severely taxed, to improve the State, and enhance the value of all the lands within it; the general government, the great land monopolizer, contributed nothing to the accomplishment of that object. In a subsequent chapter, an attempt will be made to show, that this construction of

confidence, and convinced them, that the separation they were opposing, would benefit them very greatly; as it would make it necessary for Congress to establish, immediately, a separate Territorial government at Detroit; followed by the creation of many valuable offices; all of which they would fill, as a matter of course, if they came out promptly and decidedly in favor of the measure, on the plan proposed by Congress. These appeals had their desired effect, and convinced them, that the separation they had so violently resisted, was, in all respects, a measure greatly to be desired. Having taken this new view of the subject, for the purpose of making their peace at the seat of government, and casting their sins on the shoulders of others, they put the letters of Mr. B. into the hands of Mr. Jefferson. He shewed them to Senator Smith, of Ohio, who then stood high in his confidence, and intimated a purpose of having them noticed, as being of a seditious character. Mr. Smith, who was a personal friend of the writer, and intimately acquainted with the history of the transaction, besought him to let them pass, unnoticed; which he reluctantly consented to do, paying a compliment to the pen of the writer, at the expense of his patriotism.

State rights, in regard to the taxing power, was wholly incorrect.

Taking it now for granted, that, if no compact had been entered into with the United States, they would have held their property in Ohio, precisely as they did in the original States, subject to State laws for the collection of taxes; and connecting that assumption with the fact, that more than four-fifths of the area of the State, was the property of Congress, a calculation may be made sufficiently accurate to show that the people of Ohio suffered an immense loss, by giving up that portion of their sovereignty, which authorised the State to extend her tax laws to every species of property, within her limits, without enquiring to whom it belonged, or by whom it was claimed.

The prevailing opinion of the most intelligent part of the community was, that the evils of a Territorial form of government, were more imaginary than real—that, on a fair estimate, the advantages exceeded the disadvantages; and that it was better for the people to endure the inconveniences complained of, whether real or imaginary, a little longer, and remain as they were, till their numbers would give them, as a right, what they were praying for as a favor. One or two years, at most, would have placed them on that commanding ground, and brought them into the Union, in reality as well as in name, on an equal footing with the original States.

It may be fairly questioned whether the State has been benefited a single cent, by the consideration received for the concessions made in the compact. All parties admit that the *three per cent. fund*, for the opening of roads, has produced no permanent benefit. The saline lands have not yielded more than a fair remuneration, for the expense and trouble they have occasioned. The school lands, which are admitted to be of great value, had been previously granted, and would have been claimed, as a matter of right, under pre-existing ordinances of Congress, which

declared, that in disposing of the public lands, one section in each township in the Territory, should be given for the use of schools.

As early as May, 1785, an ordinance was passed, providing "that there shall be reserved the lot number sixteen, in every township, for the maintenance of public schools, within the said township." The ordinance of July 1787, on the same subject declares, "that the lot number sixteen, in each township, or fractional part of a township, shall be given perpetually, for the purpose contained therein," (which was for the use of schools.) There was also an ordinance promising a grant of two entire townships for the endowment of a University, to any persons who might become purchasers of two millions of acres. Those ordinances extended to all the lands belonging to Congress. They were not repealed, and could not be, without a violation of public faith, as they were in the nature of a contract.

These ordinances were passed before the settlement of the Territory began, and were held out as inducements to emigrants, to encounter the perils and hardships of reclaiming and settling a wilderness. It was at that time universally known, that these donations had been confirmed, to the Ohio Company, and to the Miami purchasers; and that the Territorial Legislature, before the subject of a State government was agitated, had claimed them, and instructed their Delegate, "that inasmuch as Congress had promised, that section sixteen, in each township, should be granted for the use of schools, and section number twenty-nine, for the support of religion, throughout the Territory, he should use his endeavors, to procure a law to be passed, vesting in them the title to those sections, for the uses for which they were originally promised."

The sacrifices made by the pioneers which gave to the public domain its entire value, and without which it would have been useless to the government as well as to indi-

viduals, were an ample consideration for the grant. After that price had been paid, involving the loss of many lives, and great personal sufferings, which can be realized only by those who endured them, it cannot be admitted that Congress would have violated their solemn engagements.

From this view of the subject it is evident, that in regard to the school lands, the compact made with the Convention, confirmed to the State merely what had been previously guaranteed. It should be noted here, that by accepting the compact, the Convention tacitly relinquished their right to section twenty-nine, throughout the Territory, which had been solemnly set apart, by ordinance, under the old Confederation, for the support of religion, and were then held and enjoyed for that purpose, by the people in the Miami purchase, and in the grant to Sargent, Cutler & Company. In every point of view, therefore, in which the compact can be regarded, the grants from the general government to the State, were merely nominal, while the concessions extorted from the Convention were of incalculable value.*

* During this political struggle, the persons who were most active in opposition to the change of government, and who were at first a large majority of the inhabitants, soon became a minority. Impressions were made on the popular mind, that a plan had been formed to perpetuate the colonial system, with a view of continuing the influence of a few individuals, in the councils of the general government, and in the management of the affairs of the Territory. Those allegations had no foundation in truth; yet as they acted on the suspicion and the prejudice of the uninformed, who are the most numerous portion of every community, they produced their intended effect.

The human family, with but few exceptions, are more disposed to give credence to slander and accusation, without evidence, than to believe a good report, however well it may be corroborated. With such feelings and propensities to operate on, it was not difficult for the reformers to monopolize public confidence; but in the accomplishment of that object, it is not intended to say, that they deviated farther from truth, than is usual with political leaders, at the present day; nor is such an averment required, for the purposes here intended. The spirit displayed in the political strife of the present day, may be cited, to illustrate that which existed in 1802. The principal difference is, that then, the population of the country was estimated by hundreds; now, by hundreds of thousands.

At the time it was first proposed, to go into a State government, it was believed to be premature, by most of the intelligent citizens of the Territory; and when the act of Congress was passed, containing the conditions, to be submitted to the Convention, they were opposed, among other reasons, because they seemed to cover much more, than appeared on the surface. Those who were in favor of accepting them, professed to be influenced, by the disabilities

When the proposition was made, in 1800, for a change of government, party spirit was scarcely known in the Territory. The election of the elder Adams, had just met with general approbation; and resolutions had been passed, at popular meetings, to sustain his administration, against the encroachments of the French government, which then threatened the peace of the nation. The troop of cavalry, in Cincinnati, commanded by Captain Findlay, in which the writer of this note had the honor of being a private, presented a flattering address to the President, tendering their services to the government, whenever it should see proper to call them out. Similar offers were made from different parts of the Western country; and in fact, there seemed to be but one sentiment pervading the minds of the people. Only four individuals, in Cincinnati and its vicinity, are now remembered, who then advocated the election of Mr. Jefferson, against Mr. Adams—these were Major David Zeigler, William Henry Harrison, William McMillan, and John Smith.

The exciting contest, which agitated the States, during that election, was not felt in the Territory. The mass of the people who inhabited the West, were calm and unmoved; and four-fifths of them, were entirely reconciled to the election of Mr. Adams. One of the most influential men in the country, who stood at the head of the Miami settlement, declared, in a promiscuous company in the Court room, that "when he was convinced, that skill in painting the beauties of a flower, or in dissecting the wing of a butterfly, qualified a man for the duties of the Presidential chair, he would vote for Mr. Jefferson;" yet when that gentleman was elected, four years after, he became one of his devoted supporters.

Unfortunately, the political calm which pervaded the Territory, prior to the second session of the General Assembly, was of short duration. Very soon after the plan was formed to establish a State government, the efforts and influence of the party advocating that measure, succeeded in producing a high degree of excitement. The attention of the people was directed to the rights and privileges enjoyed by the citizens of the States; which were put in contrast with the restrictions and disabilities imposed on the inhabitants of the Territory. The discrepancy was palpable; but no serious injury had resulted from it. Nevertheless, the people became convinced that their rights were unnecessarily withheld, for the benefit of a few favorites of the General Government, although there was not the least foundation in truth for the assertion.

contained in the Ordinance, for the Government of the Territory; and by the assumption of the fact, that the State, when formed, would be too feeble to resist the will of Congress, or to prevent that body from carrying into effect their own construction of the act of cession, and of the Ordinance of 1787. Those who thought with the minority, admitted that the inhabitants were bound by the general provisions of the Ordinance, as long as the Territorial government continued; and it was conceded, that, during that period, they could not tax, or in any other way interfere, with the public lands.

It was contended, that Congress, under the old confederation, did not possess the power of extending her legislation, to any of the States of the Union; that they were not vested with any such authority, and could not deprive the people of rights, which belonged to them, as organized communities. It was admitted, very generally, that they owned the soil, and might protect their right, to the primary disposal of it; but that they could not, by any act of their own, exempt it from the common liabilities of the lands of individuals. It was contended, that the Legislature of a sovereign State, necessarily possessed the power of taxing all property within its boundaries, without enquiring to whom it belonged; that if the State of Virginia, in her act of cession, had reserved for her own use, the fee of any particular tract of the land ceded, having granted the entire jurisdiction, she must have held it subject to the taxing power of the State, in which it might lie: and, of course that her grantees could not claim an exemption, from the same liability. It was also contended that, whatever might be the authority of the Ordinance, while the Territory remained a colony, it could not destroy the express provision, in the act of cession, that the States to be formed in the ceded Territory "should have the same rights of sovereignty, freedom, and independence, as the other States."

It was believed, that the inhabitants of the district, which was one of the divisions of the ceded Territory, had rights in the trust, created by the act of cession—that the enlarged power of the general government, under the federal Constitution, could not affect the State of Ohio, more than it did the old States ; and, consequently, that she possessed every attribute of sovereignty retained by them, and to the same extent. It was contended that Congress had no check on the legislation of any State, further than had been expressly given, by the Constitution—that her own power of taxation was delegated and limited—that she could not check, or restrict the taxing power of the States ; further than was expressly authorised by the federal Constitution, which gave her no such power in regard to lands, whether they were claimed by herself, or by others.

The only clause in the Constitution, which has a bearing on this subject, is that which provides, “that Congress shall have power to dispose of, and make all needful rules and regulations respecting the Territory, or other property belonging to the United States.” Some portion of the minority contended, that this grant of power, as to Ohio, terminated at the formation of her State government—that so much of the ceded lands in the eastern district, as had not been disposed of, before the admission of Ohio into the Union, vested in her the moment that admission took place. They held, that the rights of the State, created by the authority of the deed of cession, could not be affected by the Constitution, subsequently adopted ; and, consequently, that her claim to the fee of all the unsold lands, was not impaired by it. From that opinion, the minority generally dissented. They believed, that all the States formed or to be formed, were equally affected by the powers, given to the general government ; one of which was, that they might dispose of, and, consequently, might own, the Territory, or other property, belonging to them. It was insisted, however, that

they owned and held it, as individuals do, subject to the constitutional legislation of the State.

No reason can be assigned, why the federal Convention inserted the above clause, in the Constitution they reported, unless on the supposition, that without it, the fee in the soil of the Territory, would vest in the new States, as soon as they should be formed. If they had believed that Congress, under the old confederation, could hold real estate, within the limits of a sovereign State; and that the cession by Virginia, vested them with a title that would survive the formation of State governments, in the Territory, the clause was altogether useless. It would have been asking the States, to cede to them, what they before possessed.

But it is very evident, that in the opinion of the Federal Convention, the title to the land in the Territory, unsold at the time of the formation of the State governments, would vest in the States, within whose limits it might be, unless the right of Congress was secured, and perpetuated, by a provision to that effect, in the Constitution they were then forming. At that time, it was, and is still the opinion of the writer, and of those who acted with him, that the Constitution secured the title to Congress; but it was not admitted, that the naked right which it gave to own, regulate, and dispose of property, carried with it an exemption from the operation of the general laws of the State in which it might lie. Every citizen who is vested with a fee simple in land, has the same right to own, regulate, and dispose of it; but who ever dreamt that on that account he held it exempt from the operation of the revenue laws of the State?

Almost every mode of raising revenue, by indirect taxation, had been given up by the States, to the general government; in consequence of which they were left dependent, in a great measure, on a land tax for their support. The framers of the Constitution knew, that this would be the result; and that a direct tax on land, would, from necessity,

be levied, in most of the States of the Union, if not in all; and most certainly, in the new ones. The inference from these considerations seems to be, that, if the government expected, not only to retain the fee of the land, but to hold it exempt from the revenue laws of the States, they would have so provided in the new Constitution. The insertion of the one, and the omission of the other, shows their intention, and proves very clearly, that their object was to protect their title only, and that being guaranteed, they were willing to submit to the same legislation, to which all other proprietors were liable; believing, no doubt, that it would be in their power to dispose of the greatest and most valuable portion of the lands, before the time arrived for the establishment of the States, provided for in the act of cession, and in the Ordinance.

If the federal Convention believed, that the power contained in the deed of cession authorising Congress to manage and sell the right of soil in the ceded Territory, would have passed, from the old confederation to the new federal government, and would have continued in it, after the establishment of new States, the clause introduced by them into the Constitution, granting that right, was superfluous: but if the concession was necessary, and was intended, not only to secure the title to the land, but to exempt it from the operation of the revenue laws of the States, it would have been expressly so stated.

As a further argument, that the national Convention did not believe, that the United States could acquire, or hold real estate within the limits of any of the States, much less hold it exempt from the action of State laws, without an express grant for that purpose; reference was had to the provision in the 8th section of the first article of the Constitution; and especially to that clause, which authorised Congress to obtain, by cession, from particular States, a district not exceeding ten miles square, and to exercise exclusive jurisdiction over it; and also to exercise like author-

ity over all places purchased for the erection of forts, etc., by the consent of the Legislature of the State in which the same should be.

This and the preceding extract, it was believed, manifested, very conclusively, the view of the Convention of 1787, on this subject; and the inference drawn from them was, that the general government could neither acquire, or hold, title to real estate, within the limits of any State, without an express grant of power for that purpose. The phraseology of the last extract is very peculiar. The first branch of it limits the right of receiving concessions to a quantity not exceeding ten miles square, and the second is confined to places purchased for specified objects, with the consent of the Legislature of the State in which they lie. It may here be asked, why were these specified, restricted rights conceded to Congress, if they would have possessed them without such a concession? If they could not hold property in any State, on any terms, without the consent of that State, how could they, not only hold it, but hold it, exempt from her general laws, without a similar consent?

The foregoing remarks present a concise view of the grounds on which the minority, in 1802, maintained their opinion, in favor of the taxing power of the new State. A few condensed observations on the then existing state of parties in the Territory, will not here be out of place, or uninteresting.

From what has been already said, it will be taken for granted, that the people were divided in sentiment—a majority, however, had declared in favor of the proposed change of government. The feelings and passions on both sides were highly excited; much personal rancor was indulged—the arguments advanced by the minority were ridiculed; they were declared to be deceptive, and those who advanced them were branded as aristocrats, and enemies to the people. The purity of their motives was questioned, and their patriotism and fidelity to the interests of

the Territory, were impeached. On the other hand, the minority alledged, that their opponents were actuated by personal considerations—that popularity and office were the objects of their pursuit, and that they were bent on gratifying their ambition, and accomplishing their purposes, at the sacrifice of the best interests of the community.

It is a natural conclusion that such a state of feeling was calculated to produce any thing rather than confidence and harmony. The fact was, that between those who had been warm personal friends, enmity was produced, which continued for years; and, in some cases, till it was terminated by the death of the parties. Passing over the numerous and bitter criminations and recriminations, produced by the excited contest, the grounds on which these parties severally placed themselves, may be stated in a few words.

On the one side it was alledged, that the existing government was anti-republican—that the inhabitants did not enjoy the political rights which belonged to freemen—that neither the Governor, the Judges of the General Court, nor the Legislative Council, were, in any form, amenable to the people—that the power of appointing to office, held by Congress, was dangerous—that it had been abused—that the Governor controlled the will of the Representatives of the people, and that there was no remedy for these evils, but a radical change of government.

On the other hand it was contended, that notwithstanding those allegations were technically true, yet they produced but little, if any, injury in practice—that they were the unavoidable result of the plan adopted for the settlement of the Territory, which was originally admitted to be wise, judicious, and safe—that the objections to the form of government were theoretical defects, rather than practical evils—that the exercise of the appointing power, as far as it was held by Congress, was fully compensated for, by the payment of the salaries of all the officers whom

they appointed—that the inhabitants of the district were too few and too poor to bear the expense of a State government—that their numbers were rapidly increasing—that in two years, at most, the district would have a population, which would entitle it, as a matter of right, to become a State, without conditions or restrictions, and that it was better to endure the inconveniences complained of, till the time should arrive, when the proposed change would be a matter of right, and the people better prepared to meet the expenses of the change.

These were the leading views of the contending parties of that day, and when the movements to which they led are calmly reviewed, by one who participated largely in them, it will not be difficult to account for all that transpired. Such a retrospect will show that there was an unreasonable warmth, and jealousy of motive, on both sides. The fact, however, can not be yielded, that the interests of all concerned, would have been greatly advanced, if the formation of a State government had been deferred. The pecuniary and other benefits of the Territorial government, during the short time of its proposed continuance, would have far overbalanced the inconveniences complained of; and the sacrifices submitted to, by assenting to the compact, would have been avoided. The contest, however, is over, and, of those who were engaged in it, there is but here and there a survivor to tell the tale! The actors in those agitating scenes, are almost all in their graves; and whatever of abuse, or reproach, may have been cast by either party, on the other, is now covered by the mantle of oblivion.

CHAPTER XIX.

Details of the State Convention.—Its members.—The formation of the Constitution.—The question of Slavery.—The Northern boundary.—Refusal to submit the Constitution to the people.—Reflections.

In a former chapter, a few general remarks were made, relating to the Convention which formed the Constitution of Ohio, and the privileges guarantied to the new States, by the act of cession. It is proposed now, to refer to these subjects more in detail.

It is a fact, worthy of some notice, that those who advocated the immediate formation of a State government, were unwilling to refer the decision of that question to the Legislature of the Territory, or to take the opinion of the inhabitants, whether a Convention should be called, or not. As the safer way to accomplish their purpose, they petitioned Congress to take the power into their own hands, and order a Convention, without consulting either the Legislature, or the people of the district.

The application of those individuals, unauthorised as it was, by any legitimate authority recognised in the district, was sustained, and Congress proceeded, forthwith, to pass a law, not only authorising, but, in pretty plain terms, urging the people of the eastern division of the Territory to form a Constitution and State government. That law prescribed the boundaries of the State, fixed the number of members of which the Convention should consist, and apportioned the number to be chosen by each county. It also changed the qualifications of electors, prescribed by

the Ordinance, and appointed the time and place of holding the election.

Its provisions, except so far as they related to the mere right of holding a Convention, and forming a Constitution, were considered as assumptions of power, not warranted by the Constitution, or the Ordinance; and an infringement of the rights of the local Legislature. It was, however, silently submitted to; and the members of the Convention, thirty-five in number, were chosen in the manner prescribed by that act. The result of the choice was highly creditable to the intelligence of the inhabitants, as, with but few exceptions, the most intelligent men in the counties were selected. Among the ten delegates from Hamilton county, was Jeremiah Morrow, who has since filled an ample space in the estimation and confidence of the nation; Francis Dunlavy, a veteran pioneer of talents, of liberal education, and of unbending integrity, was chosen. John Smith and John Riley, both men of strong minds and irreproachable characters, were also of the number.

Among the delegates from Jefferson county was Bezaleel Wells; from Adams, General Darlington; from Ross, General Massie, Governor Worthington and Governor Tiffin; from Trumbull, Governor Huntington; from Washington, Ephraim Cutler, Benjamin Ives Gilman, and the venerable General Rufus Putnam; all of them men of vigorous minds, and high standing in the confidence of their fellow citizens.

On the first Monday of November, 1802, the Convention assembled at Chillicothe, consisting of the following members:

From the county of Adams—Joseph Darlington, Thomas Kirker and Israel Donaldson.

From the county of Hamilton—Francis Dunlavy, John Paul, Jeremiah Morrow, John Wilson, Charles Wylling Byrd, John Smith, John Riley, William Goforth, John W. Browne, and John Kitchel.

From the county of Ross—Edward Tiffin, Nathaniel Mas-

sie, Thomas Worthington, Michael Baldwin, and James Grubb.

From the county of Jefferson—Rudolph Bair, John Milligan, George Humphrey, Bazaleel Wells, and Nathan Updegraff.

From the county of Trumbull—Samuel Huntingdon and David Abbot.

From the county of Belmont—James Caldwell and Elijah Woods.

From the county of Fairfield—Emanuel Carpenter and Henry Abrahams.

From the county of Washington—Ephraim Cutler, Rufus Putnam, John McIntyre, and Benjamin Ives Gilman.

From the county of Clermont—Philip Gatch and James Sargent.

On the succeeding day, they assembled, and elected Edward Tiffin President, and Thomas Scott, Secretary. Before they proceeded to business, Governor St. Clair proposed to address them, in his official character, as the chief executive magistrate of the Territory. This proposition was resisted by several of the members. After it had been discussed some time, a motion was made, and adopted by a majority of five, couched in these words: "That Arthur St. Clair, senior, Esquire, be permitted to address the Convention on those points which he deems of importance." The phraseology of the resolution, compared with the proposal of the Governor, presents a question, whether it was not intended to mortify his feelings, if not to offer a personal insult. On that subject it is unnecessary to express an opinion.

After the Governor had made his address, which was sensible and conciliatory, a resolution was offered for the consideration of the Convention, declaring that, "it is now expedient to form a Constitution and State government." Although more than a fourth of the members, composing the body, had expressed their opinion, in very decided

terms, against the expediency of the measure, and against the manner of its accomplishment; yet the resolution was carried, by a vote of thirty-two to one; two members being absent, and Judge Cutler, an indomitable Whig, of Washington county, voting in the negative, "solitary and alone."

Early in the session, the different articles, or subjects which it was proposed to introduce into the Constitution, were referred to separate committees. A resolution was also offered, declaring in substance, that when the Constitution was finished, it should be submitted to the people for their adoption or rejection, before it should go into operation. That proposition would have been strictly republican, and proper, under any circumstances; but peculiarly so, in that case, as neither the people, nor their representatives in the Assembly, had been consulted, or had exercised any agency in forming the law, by the authority of which the Convention had been called; or in prescribing the principles on which they were to act; nor had an opportunity been afforded them, to form and express an opinion on the important conditions contained in the proposition, offered by Congress. Yet the resolution was rejected by a vote of twenty-seven to seven; and the Constitution was declared to be in force, and obligatory on the people, without their assent, expressed in any form whatever; and, in fact, without their knowing how far the Convention, in their compact with Congress, had bartered away their rights, guarantied in the federal Constitution, and in the act of cession.

Some persons ascribed the rejection of the resolution, to a fear that the people would repudiate the instrument, if it were submitted to them, in the form in which it had been drawn up. Others ascribed it to an over anxiety to get the new government into operation, in the shortest possible time, as it was understood, that all the important offices to be created, both federal and state, were to be filled by members of that body. Without stopping to speculate on

the probability or improbability of these suppositions, they will be passed over, with this remark: that, under all the circumstances of the case, there were strong grounds to fear, that personal considerations had their influence, in producing the rejection of the resolution. It was said in their behalf, that they were influenced by an honest desire, to save labor and strife, and prevent an unnecessary loss of time.

It must be confessed, that it requires a large share of charity to adopt that conclusion. The people, however, must judge for themselves, whether the considerations suggested, if sincere, were sufficient, under the circumstances of the case, to justify the course pursued. It was certainly a bad precedent; and at the commencement of the political existence of the State, was sufficient to excite alarm for the future.

As the Territorial Legislature was in existence, and stood adjourned to meet at Cincinnati, on the fourth Monday in November, three weeks after the opening of the Convention, a resolution was passed, directing their President to request the Governor to dissolve or prorogue that body. Such a precaution was altogether unnecessary, as no disposition existed among the members, either to embarrass, or in any way interfere with, the movements of the Convention. That such a disposition did not exist, was verified by the fact, that the day for the meeting of the Legislature, came and passed; the members remaining at home, as by common consent. No attempt was made by the Governor, or by any of the members, to convene that body, till its existence was terminated; and it was succeeded by the General Assembly, under the State Constitution.

On many of the questions discussed in the Convention, great diversity of opinion, and much warmth of feeling, was manifested. This was the case, particularly, on the different propositions which were offered, relating to the people of color, then residing in the Territory, amounting

probably to one or two hundred. A few of the members were disposed to declare them citizens, to the full extent of that term; while others contended against allowing them any other privilege, than the protection of the laws, and exemption from taxes and militia duty. Propositions were made to declare them ineligible to any office, civil or military; also to exclude them from being examined as witnesses, in courts of justice, against white persons.

On some of those questions, great warmth of feeling was excited; and fears were entertained, that, if they were not soon disposed of, they would greatly embarrass, if not entirely defeat, the object for which they were assembled. The apprehension of such a disastrous result, induced them, by a tacit consent, to abandon all the propositions which had been made, relating to the subject, by permitting them to lie on the table, undisposed of; and proceeding to form a Constitution, having no direct reference whatever, to that matter; but embracing only the free white population of the district, who alone were represented in their body. It seemed also to be understood that its phraseology should be so guarded as to show that people of color were not considered as parties to it; and that as they had no agency in its formation, they should have none in its administration. With that view they were carefully excluded from the description of persons, recognised as citizens of the counties, who were to be represented in the General Assembly. The Constitution requires, that representation shall always be in the proportion of population, and of that population, which was understood to compose the body, by whom, and for whom, it was made.

Every county is entitled to a representation in proportion to the number of its citizens; of course those only can be considered as citizens who are included in the class for whom a representation is provided. Persons of color are not included, and therefore cannot be citizens. Hence it is that, in taking the enumeration of citizens, directed by the

Constitution, people of color cannot be included—that the Legislature are required to apportion both Senators and Representatives, among the counties, according to the number of *white male* inhabitants, and that the right of suffrage is confined to the *white population*.

Every person who reads the Constitution must discover, that colored people cannot be represented in the Legislature; and that they have not, and cannot have, any agency in conducting the government, or in making, or administering the laws. In these respects they stand on the ground of the aborigines, who remain in the State, after they have ceded their lands to the government. While they are suffered to continue, they have a right to claim the protection of the laws of the State, and to be treated with justice and humanity, but beyond that, no claims are secured to them.

The formation of the third article of the Constitution, which creates the judicial department, gave rise to some difficulty. It being understood that the temporary seat of government would be established at Chillicothe, the delegates from some of the more populous counties, remote from that place, objected to the establishment of a Supreme Court, to be held exclusively at the seat of government, with courts of *Nisi Prius*, for the trial of issues of fact. They were unwilling to yield the claims of their own counties; and it was soon found, that a majority could not be had, to locate the court in any one of the counties. To get over that difficulty, the novel plan of holding a Supreme Court in each county was adopted. One evil arising from that scheme was, that the Judges were required to be on horseback, half the year, and were compelled to decide important questions of law, in great haste; and often, in frontier counties, where access to law books could not be had; and as the same Judges are not always present, it sometimes happens that the same point is decided differently in different counties.

To avoid this evil, as far as possible, the Legislature, in 1821, directed a special session, of all the Judges of the Supreme Court, to be held at the seat of government, once in each year, to consider and decide questions reserved in the counties, and sent up by order of the Court. This arrangement has removed some of the difficulties before noticed.

The indulgence of local pride, which led to this result; was truly unfortunate, and subjected the administration of justice to difficulties and embarrassments, the evil consequences of which cannot be estimated. None but the judges and members of the bar, can form an adequate idea of the hurry, confusion, and at the same time, delay, which has been caused in the administration of justice, by the anomalous plan resorted to, as a substitute for the system first proposed, which was a Supreme Court located at the seat of government, with Circuit Court powers.

The manner in which the Convention arranged the Courts of Common Pleas, has also been found inconvenient and expensive. The positive requirement, that there shall be at least two associate judges for each county, precludes the possibility of modifying those courts, so as to have them composed entirely of legal characters. It was the opinion of the bar generally, at that time, that the Judges of the Supreme Court, and the Presidents of the Courts of Common Pleas, ought to have been appointed during good behavior. Serious fears were entertained that the short term of their office would lead to a want of stability and uniformity in decision; and might bring them under the influence of leading political men. This opinion was predicated on the same reasons assigned in England in favor of the independence of their Judges. It has always been thought in that country, that to secure the just and equal administration of the laws in all cases, and to all orders of men, the persons by whom they are administered, should

feel themselves alike independent of the power of the crown, and of popular caprice.

Fears were also entertained, that in times of high party excitement, judges would be selected, rather for their political opinions, than their legal acquirements. How far this apprehension has been realized, is for others to decide.

It may be here remarked, that some of the difficulties just referred to, show the danger of resorting to too much specific legislation in the formation of constitutions for representative governments. In despotic countries, whose charters of government are considered as concessions by the crown to the people, the more full and explicit they are, the better. But in republics, where all power rests with the people, and the government, of right, can exercise only such portions of it as have been delegated to them, the case is very different.

The provision fixing the minimum size of counties at four hundred square miles, has resulted in the formation of small counties, throughout the State, and has oppressed the Legislature with endless applications to raze large counties to the minimum of the Constitution. The plea of convenience urged in favor of that policy, is rebutted by the pressure of expense it produces, and the impossibility of placing county institutions and improvements on a respectable footing. It was well known, that several leading politicians of that period, felt a deep interest in the formation of new counties, and especially in the location of county seats; and it was supposed that the influence of that fact was felt in the Convention.

Notwithstanding these defects, the leading principles which characterize the Constitution, have met with general approbation; though it was feared that, in some particulars, the equalizing principle was carried too far for the safety and stability of our institutions. There was an honest apprehension that the popular election of officers, who,

by a faithful discharge of their duty, must incur the displeasure of those on whom their re-election depended, might be productive of injurious consequences; but experience has shown that the danger was not as serious as was anticipated.

The mode provided for the appointment of officers in the militia, was particularly objected to, by men of military experience; and it is evident that, under that plan, the organization and improvement of the militia has not equalled the public expectation. One of the objections was, the election of officers, by the men, whom they were to command.

Probably there is no article in the Constitution that strikes the reader with more surprise, than that which defines the powers of the Governor. They are so limited and restricted, as to be almost nominal. It is made his duty to recommend to the consideration of the Assembly, such matters as he shall think proper. He may fill vacancies in office, happening in the recess of the General Assembly, till the end of their next session. He may reprieve or pardon convicts; and is authorised to appoint the Adjutant General of the State; but he cannot interfere, in any form, with the action of the Legislature, or check, for a single hour, the most improvident, or unconstitutional movements of that body. He has not any participation in the appointing power. He is not permitted to nominate candidates for office; nor can he remove an officer, or even suspend his functions, temporarily, however mischievous his conduct in office may be. It has been intimated, heretofore, that this parsimonious delegation of power to the chief executive, may be attributed to a recollection of the manner in which the Governor of the Territory had executed the powers confided to him by the Ordinance. That example was before their eyes; and it was natural to expect, that while they were studiously aiming to avoid one extreme, they would fall into the other.

The question of boundary, though not expressly referred to the Convention, was one of greater importance than would appear at first view. It is generally known, to those who have consulted the maps of the western country, extant at the time the Ordinance of 1787 was passed, that Lake Michigan was represented as being very far north of the position, which it has since been ascertained to occupy. On a map in the Department of State, which was before the committee of Congress, who formed the Ordinance, for the government of the Territory, the southern boundary of that Lake, was laid down as being near the forty-second degree of north latitude; and there was a pencil line passing through the southern bend of the Lake to the Canada line, which intersected the strait, between the river Raisin and the town of Detroit. That line was manifestly intended by the committee, and by Congress, to be the northern boundary of this State; and, on the principles on which courts of chancery construe contracts, accompanied with plats, that map, and the line marked on it, should have been taken, as conclusive evidence of the boundary, without reference to the actual position of the southern extreme of the Lake.

When the Convention was in session, in 1802, it was the prevailing understanding, that the old maps were correct; and that the line, as defined in the Ordinance, would terminate at some point on the strait, far above the Maumee bay; but, while that subject was under discussion, a man who had hunted many years on Lake Michigan, and was well acquainted with its position, happened to be in Chilli-cothe, and in conversation with some of the members, mentioned to them, that the Lake extended much farther south than was generally supposed; and that a map he had seen placed its southern bend many miles north of its true position. His statement produced some apprehension, and excitement on the subject, and induced the Convention to change the line prescribed in the act of Congress, so far as

to provide, that if it should be found to strike Lake Erie, below the Maumee river, as the hunter informed them it would, then the boundary of the State, should be a line drawn from the point where the prescribed line intersected the west boundary of the State, direct to the most northern cape of the Maumee bay. That provision saved to the State of Ohio, the valuable ports and harbors on the Maumee river and bay, which were the prize contended for, in what was called, "the Michigan war of Governor Lucas." Yet some of the members were so intent on the establishment of a State government, in the shortest possible period, that they hesitated in making the provision, lest it might cause delay; but fortunately it was adopted, and its object is now secure. Small matters sometimes lead to great results, as was the fact in this case.

It was the opinion of some of the pioneers, that the Convention ought to have claimed the line indicated by the maps extant, and assumed to be correct, when the Ordinance was formed. In other words, they should have claimed the line, which the Ordinance manifestly intended to give, and which, by a fair interpretation, it did give. That claim could have been maintained, with greater propriety and effect, than the hypothetical one set up in the Constitution; and particularly so, as the State was entitled to the possession and jurisdiction of the entire Territory, east of her western boundary extending from the river Ohio to the Canada line, which, as the result has shown would have continued to be a part of the State, from that day till 1835.

Some excitement was also produced by the conflicting views which were entertained on the subject of salaries and compensations, which were finally adjusted; and, on the whole, the business of the session was conducted and closed, with as much harmony as could have been expected.

Before they separated, an address to the President of the United States, and to both Houses of Congress was adopted;

expressing their gratitude for the favors they had received from government; and their approbation of the principles on which it had been administered. A resolution was also passed, authorising the President of the Convention to take charge of the new Constitution, after it should be signed by all the members; and deposite it in the office of the Secretary of State, as soon as that officer should be appointed.

The minority, in and out of the Convention, considered the first of these resolutions, as conveying a very gratuitous and unmerited compliment. The administration of the elder Adams, then just terminated, had treated the people of the Territory justly—they did not withhold or deny, any right guarantied to them; and this is all that can be said in their favor. The administration of Mr. Jefferson had just commenced, and of course, could not have done anything to benefit the Territory, apart from the act to authorise the formation of a State government, which was loaded with conditions and restrictions both hard and oppressive, requiring a surrender of half the privileges guarantied to them, both by the Ordinance and the federal Constitution, on their becoming a State.

A view of the manner in which the Convention was called, and the condition of the Territory at the time, necessarily give rise to some interesting reflections. There was a Territorial Legislature then in existence, vested with full and complete legislative power, which had never been consulted on the subject. About one-third of the members of the Convention, were also members of that Assembly. No power had been given to Congress, in the Ordinance or elsewhere, to interfere with the local legislation of the Territory, after the establishment of the second grade of government. The formation of a State Constitution, belonged wholly to the people of the Territory, and their Legislature; neither of whom had been permitted to take any part in the movement. When the people of the district amounted to sixty thousand in number, they were authorised to form a Con-

stitution on republican principles, and become a member of the Union. Prior to that time, it was understood, that Congress had power to permit the formation of a State government; but that when that permission had been granted, their power was exhausted. As to everything else, connected with that subject, the Legislature and people of the district had the exclusive right of prescribing and acting.

In confirmation of the correctness of the view here presented, the reader is requested to pause, and examine the Appendix annexed, marked K. where he will find, that Mr. Fearing, the delegate then representing the Territory in Congress, resisted the proposition for calling a Convention, on the same grounds, which are here stated—that neither the people of the Territory at large, nor their representatives in the General Assembly, had been consulted; and that the project before Congress, was neither more nor less, than a mandate directing the citizens to elect a Convention; and ordering that body, when assembled, if they assented to the conditions proposed, to proceed and form a Constitution for the people of the Territory; without ascertaining whether it met the views of the majority of them, or not. The reader will also find that other members of Congress viewed the project in the same light, and opposed it for the same cause; and that the people of the Territory expressed the same opinion at their public meetings. Yet Congress without consulting either, ordered a Convention, and directed all the details concerning it.

The law they passed, extended the right of suffrage to almost every person residing in the Territory; which was a violation of so much of the Ordinance as related to that subject. The authority of the people, and their immediate representatives, was broken down—the power of the general government set up in its place, and a course pursued which was completely revolutionary, in its character and tendency. It was, however, submitted to, and no efforts

were made to retard, or embarrass the movements of the majority, after Congress had taken the management of the matter into their own hands. Indeed, such an attempt, if it had been made, would have been useless. That being the case, one would suppose, that the Constitution formed under such circumstances, by an authority so remote from the people, would have been submitted to their consideration, to be accepted or rejected, at their pleasure. Such, however, was not the fact. The resolution offered for that purpose, was voted down, and the instrument was declared to be obligatory on all concerned, *volens volens*.

The course pursued by the Convention, in regard to the propositions submitted to them by the act of Congress, was somewhat singular. It was generally understood that as they were to be freely accepted or rejected, the action of the Convention, either accepting or rejecting them, would be final. Such, however, was not the fact. Although it was their unanimous opinion, that the conditions offered by Congress, were not an adequate consideration for the State rights which were to be relinquished; yet instead of rejecting the propositions promptly, they passed an Ordinance, in which they resolved to accept them, provided certain additions and modifications, should be agreed to by Congress. The prevailing opinion was, that they were not authorised to pursue such a course—that their powers were specifically stated, in the act of Congress, under which they were elected; and that there was no ground of pretence, that the people delegated to them, other, or greater, powers than were there expressed. It was believed that a power, given expressly to accept or reject a specific proposition, did not grant a power, either to offer, or accept a different one. Yet the Convention did accept a proposition, altogether different from the one, which was submitted. Whether this was right or wrong, is now a matter of no moment; as it has been acquiesced in, till the time of rectifying the error, has passed by. It may, however, be made a ques-

tion, whether the compact has not been carried much farther, in practice, than the terms in which it is couched, will justify. It declares "that every tract of land sold, or to be sold, by Congress, from and after the 30th day of June, (then next,) should be and remain exempt from any tax, for the term of five years, to be reckoned from the day of sale." The construction given to that compact was, that the State relinquished the right of levying taxes on public land, as well before it should be sold, as for the term of five years from and after such sale. This was not the construction of the minority. They did not consider the compact as extending to any land in the Territory, until it had been sold by Congress; and, of course, that all lands held by them, were subject to taxation, as long as they remained unsold. The only benefit, it was supposed, the United States could derive from that exemption, was, the inducement it offered to the community, to become purchasers from them, rather than from private individuals.

It was understood that a majority of the members of the Convention, considered the right of taxing Congress lands, entirely given up, and that they came to that conclusion, on the assumed ground, that, irrespective of the compact, the State would not possess the power of taxing any land, held as the property of the nation. It was admitted by the minority, that during the Territorial government, that was true; though there were some, who denied the obligation of the Ordinance altogether, on the ground, that it was *ex parte*, and never agreed to by the people. That opinion, however, was expressed by a very few. The great mass of the inhabitants, of both parties, considered it as obligatory in all its parts, on the ground that they had given their assent to it, by voluntarily settling in the country, and availing themselves of its protection, and of all the other benefits which it secured.

During the continuance of the Territorial government, both the soil and the jurisdiction of the country, were vest-

ed in Congress; and, as long as those rights were united in them, their power to dispose of either, for the purposes of the trust, could not be questioned; and it appears reasonable, that that power should continue, till the people acquired a right to form an independent state government, by the acquisition of sixty thousand inhabitants. When that period came, the jurisdiction of Congress necessarily terminated; and, if the new federal Constitution had not been previously adopted, the State of Ohio being possessed of the same attributes of sovereignty, which Virginia held, at the date of her act of cession, would have become the proprietor, in her own right, of all the land not previously disposed of by Congress.

The act of cession having granted to the new States the right of forming independent State governments, and of being admitted into the Union, in all respects on a footing with the original States, the power and the rights of the old Confederation could not have been greater in Ohio, than they were in the original States. The privileges reserved by Virginia, for the States to be erected, within the ceded Territory, had a direct reference to the powers and rights, enjoyed by the old States, at the time the deed of cession was made; and no other restriction was contemplated, than such as might have been imposed by Congress on the original States, if the general government had undergone no change. Suppose, then, for a moment, that Ohio had been erected into an independent State, and admitted into the Union, before the adoption of the present federal government, could Congress have claimed other, or greater, powers over her, than she exercised over Virginia? If not, in whom would the right of soil, and the power of taxation, have vested? Virginia, within her limits, held an undisputed right to both; and Ohio must have been placed in the same situation, or her rights of sovereignty would not have been equal to those of Virginia.

The grant from Virginia to Congress, was a trust, crea-

ted principally for the inhabitants of the Territory; but in part, for the benefit of every State of the Union, in the proportion expressed in the act itself.

It seems to have been taken for granted, that Congress would dispose of the right of soil, in the ceded Territory, before its population would authorise the establishment of State governments; which might have been done, by pursuing the policy practiced by Virginia, in disposing of the residue of her vacant lands.

The act of cession contains no reservation of right, in favor of Congress, to continue after the formation of State governments; but the terms used are sufficiently comprehensive, to vest in the new States all rights not legally disposed of, at the time of their formation. On this subject the act is positive; declaring that the cession "is made on condition, that the Territory so ceded, shall be laid out and formed into States, containing a suitable extent of territory, and that the States, so formed, shall be republican States, and severally admitted members of the federal Union; *having the same rights of sovereignty, freedom and independence, as the other States.*"

Now, what were the rights of that character, possessed by the other States, under the old Confederation? The answer is important; for it will decide what the rights of the new States would have been, under that government, had it continued. Each of the original States was perfectly independent of each other, and of all other powers; except so far as they were limited by their allegiance to the Confederation, which was very little more than a shadow. Under that association, Congress had not the power of levying a cent of tax, in any State of the Union, or of interfering with the exercise of that power by the States themselves. They could obtain money, only by requisitions on the States, which they had no power to enforce; nor could they acquire, or hold, real estate, without the consent of the State Legislatures.

From these premises it must follow, that if the old Confederation, to which the deed of cession was made, had continued, Ohio would have had, not only the power of taxation, but would have been the owner, in her own right, of all the unsold land within her limits.

But it is a question more complex and more difficult to decide, how far the adoption of the new federal Constitution, and the consent of the State to become a member of the Union, under it, has varied the rights she might have claimed, if no change in the general government had taken place. The words of the act of cession have been stated above. The Ordinance of 1787, made in conformity with that act, contains the following provision: "And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, *on an equal footing with the original States in all respects whatever.*" The act of Congress, of 1802, authorising the inhabitants of the eastern district to form a State, declares the same thing in these words: "The State, when formed, shall be admitted into the Union *on the same footing with the original States in all respects whatever.*" As each and all of these enactments guarantee to Ohio the same extent of sovereignty as was enjoyed by the old States, under the Confederation, with no other restrictions than those to which they are subject, her rights may be known, by ascertaining theirs.

Although the powers of the general government have been greatly increased, and those of the States proportionably diminished, by the federal Constitution, yet the old States claim and exercise, without objection, the power of taxing all property within their limits.

Admitting, then, that the concessions made to the general government in the Constitution, secured to Congress, forever, the primary disposal of the right of soil in the Territory; still, it is contended, that the right of taxation remained unimpaired, and would have been enjoyed by Ohio, un-

restricted, and above the reach or control of any other power, if no portion of it had been surrendered by the Convention. This assumption is put on the simple ground, that the original States possessed that right; and that Ohio has a three-fold guarantee that every right of sovereignty, possessed by them, shall be held and enjoyed by her.

There is not an acre of land in any one of the old States, to which the Legislature cannot extend her revenue laws, unless she has exempted it from that liability, by her own act. If then, the same power of legislation be denied to Ohio, can it be said that she is placed on an equal footing with the other States, *in all respects whatever?*

After a full view of this subject, it seems to be impossible to bring the mind to any other conclusion, than that the State of Ohio was vested with ample power to tax the lands of Congress, in the same manner as she did those of individuals; and that the concession made by the Convention did not interfere with that right, further than to suspend it, as to lands sold by government, during the term of five years from and after the date of the sales respectively.

CHAPTER XX.

Sketch of the life of Gov. St. Clair.—His military services in Canada and the United States.—Governor of the North-western Territory.—Disagreements with the Legislature.—His general character.—His embarrassments and poverty.—Annuity granted by Pennsylvania.—His death.

GOVERNOR ST. CLAIR was a native of Scotland, born in 1734. Having received a thorough classical education, at one of the most celebrated Universities of his native country, he studied the profession of medicine, with a view of pursuing it, as the chief business of his life; but, having a taste for military pursuits, he applied for a commission in the army, through his family connexions, who occupied an elevated grade in society, and possessed a corresponding influence. He was prompted to make this application, from a belief that it was preferable to the dull pursuits of the profession he had selected. The application was successful; and when General Wolfe was appointed, by the elder Pitt, to command a momentous expedition, fitted out against the city of Quebec, one of the most strongly fortified towns in America, St. Clair was a subaltern in his army, and accompanied him into Canada; where he participated in the dangers and the glory of the memorable battle of September, 1759, which terminated in the capture of the city, and the lamented death of the commanding general, who fell and expired on the Plains of Abraham, at the moment victory had declared in his favor.

After the treaty of 1763, by which peace was made between the contending nations, and the province of Canada was ceded to Great Britain, St. Clair resigned his commis-

sion in the army, and removed to Pennsylvania, where he purchased a tract of land, in the interior of the province, at Legonier valley, and commenced the business of farming. Having a good mathematical education, he found profitable employment as a surveyor. It was not long, however, before his talents and acquirements became generally known, when he received the appointment of Prothonotary of Westmoreland county.

During the interval between the French war, and the commencement of the Revolutionary struggle, he held various civil offices in Pennsylvania, and executed some important commissions, in behalf of that province. The strong evidence he had given, of military genius and skill, in the five or six campaigns in which he served in the British army, during the French war, and the manifestations of intelligence and integrity, afforded during his residence in Pennsylvania were such, that when the troubles with the mother country began, public attention was directed to him, as one of the prominent men, who were to lead in the Revolutionary struggle, then about to commence.

As soon as the state of affairs in the colonies rendered it necessary to resort to vigorous measures, to resist the oppressive proceedings of the mother country, by military force, in 1775, the American Congress appointed him a Colonel in the Continental army; and, in February following, ordered him to march with his regiment into Canada. Early in August, 1776, he was promoted to the rank of a Brigadier; and in February, 1777, after the American army had re-crossed the Delaware a second time—eluded the vigilance of the British at Trenton—surprised and defeated them at Princeton—breaking through their line—capturing many prisoners and much baggage—and had been placed in safe and comfortable winter quarters, in the highlands of Jersey, in which movements St. Clair bore an active part,—he was created a Major General, and ordered to repair to Ticonderoga, and place himself under the com-

mand of General Gates; but was instructed first to repair to Philadelphia, to receive the orders of Congress.

The post at Ticonderoga was one of great importance in public estimation. It was occupied by a numerous garrison under the command of General St. Clair; and it is well known by those who are familiar with the events of the Revolution, that for some time after it had been evacuated by the Americans, and occupied by the enemy, General St. Clair was very severely censured; but it is also known, that, after a full and thorough investigation of the facts connected with the transaction, it was ascertained to the satisfaction of the general officers of the army, and also of the American Congress, that the post, at the time it was abandoned, was in an unfinished state, and manifestly indefensible; and that an attempt to hold it against the superior force, by which it was about to be invested, would have been unsuccessful, and must have terminated in its capture, and the consequent loss of the important detachment of the northern army, by which it had been garrisoned. It was also universally believed in camp, and elsewhere, that the loss of that portion of the American troops, would have prevented the capture of General Burgoyne and his entire army.

Such was the opinion of the court-martial, who investigated the affair, as appears from their report, submitted to Congress by General Washington, in October, 1778. The officers of the army generally, who examined the evidence taken, and reported in the case, concurred in the opinion, that, situated as General St. Clair was, it required more moral courage to induce a brave soldier to abandon the post without a battle, than to make a desperate, unsuccessful effort to defend it, followed by the loss of the fort and garrison. In the one case, he was sure to be branded with cowardice; in the other, he would cover himself with glory. The general court-martial, after deliberating on the case, having all the facts and circumstances connected with it, fully before them, unanimously concurred in the opinion,

that the works could not have been defended, successfully, in their imperfect state, against the entire British army, which was about to invest them; and that the officer in command manifested a sound judgment, and a prudent, heroic resolution, in meeting the consequences of a faithful discharge of his duty, on that trying occasion, and accompanied their report with the following sentence: "*Major General St. Clair is acquitted, with the highest honor, of the charges exhibited against him.*"

When those proceedings were subsequently taken up, and acted on by Congress, a resolution was offered and adopted, without one dissenting voice, approving and confirming the sentence of the court-martial, in the same language in which it was couched; and an order was thereupon made, to transmit the decision to the Commander-in-chief.

The character of the General being thus triumphantly vindicated, he continued in the army, and served with reputation, till the close of the war, when he retired to his farm, at Legonier, and again engaged in the pursuits of civil life. In 1785, the Legislature of Pennsylvania appointed him a delegate to the Continental Congress, and as an evidence of the high estimation in which he was held, he was chosen President of that august body, soon after he took his seat.

The ordinance for the government of the North-western Territory having been passed, by the Congress of the old Confederation, they proceeded to elect the Territorial officers necessary to carry the provisions of it into effect; when General St. Clair was chosen Governor, and Winthrop Sargent, Secretary. At that time, no settlement had been made by citizens of the United States, north-west of the river Ohio; but in the spring following, a New England colony, under the lead of General Putnam and others, was planted at the mouth of the Muskingum river; and the Governor, forthwith, repaired to that place.

In 1788, it will be recollected, the new federal Constitution was ratified by the requisite number of States, and in the succeeding year went into operation, under the auspices of President Washington. It being the opinion of Congress that all appointments to office, under the articles of the old Confederation, terminated with the government by which they had been made; and, consequently that all the offices in the Territory had become vacant by the change of government; the President, in conformity with that opinion, in August, 1789, proceeded to nominate to the Senate, suitable persons to fill those vacancies.

His acquaintance with General St. Clair having been long and intimate, he re-nominated him for the office of Governor; which he had previously held, under the old Congress; and the Senate, having advised and consented to the appointment, a commission was issued accordingly, under which he continued to execute the duties of the office, from that time till within a few weeks of the termination of the Territorial form of government, in the winter of 1802-3; when, to gratify the malice of his enemies, he was removed by Mr. Jefferson, who had been his friend and admirer. That removal was one of the first evidences given, by the new administration, that politics were stronger than friendships, and partisan services more availing than talents.

The manner in which he discharged the duties appertaining to the office of Governor of the Territory, from 1787 till 1802, inclusive; and of commander of the Western army in 1791, may be collected from the preceding narrative; yet a concise recapitulation of some of the occurrences, in the official course of that distinguished man, while administering the civil government of the Territory, cannot be uninteresting.

During the continuance of the first grade of that imperfect government, he enjoyed the respect and confidence of every class of the people. He was plain and simple in his dress

and equipage, open and frank in his manners, and accessible to persons of every rank. In these respects, he exhibited a striking contrast with the Secretary, Colonel Sargent; and that contrast, in some measure, increased his popularity; which he retained, unimpaired, till after the commencement of the first session of the Legislature. During that session, he manifested a strong desire to enlarge his own powers, and restrict those of the Assembly; which was the more noticed, as he had opposed the usurpations of the Legislative Council, composed of himself, or in his absence, the Secretary, and the Judges of the General Court; and had taken an early opportunity of submitting his views on that subject to the General Assembly.

The first symptom of a desire to extend his power, was seen in the construction he gave to some of the provisions of the ordinance, the tendency of which was, to confine the action of the Legislature; as, for example: the Ordinance made it his duty, as Governor, to proceed from time to time, as circumstances might require, to lay out the parts of the district, in which the Indian title had been extinguished, into counties and townships; subject, however, to such alterations as might thereafter be made by the Legislature. Although the entire Territory, subject to his action, had been laid out into counties, prior to the meeting of the Legislature, in 1799; yet, he claimed the exclusive right of creating new counties, by the division and alteration of existing ones.

In opposition to that assumption, the Legislature insisted that his power was exhausted by what he had already done; and that the right of altering existing counties was vested in their body, subject to his veto.

In accordance with that view, they proceeded to pass bills for that purpose, and sent them to the Governor for his concurrence. He not only withheld his approval, but retained them in his hands, till the close of the session, when

he sent a written communication to the Assembly, couched in offensive language, remonstrating against their proceedings, as an usurpation of power; which was contrary to his usual custom.

He intimated, in pretty plain terms, a want of confidence in the judgment and discretion of the Assembly, in deciding when the number of inhabitants, or the situation of a district, rendered it necessary, or proper, to alter or divide it, and thereby establish a new county; and, as if anxious to make his power more sensibly felt, he proceeded, immediately, to create and organise new counties, out of old ones, varying somewhat from the plan adopted by the Assembly; and to establish them by proclamation, without consulting the Legislature.

On the ground that the section in the Ordinance, creating the General Assembly, declared that it should consist of the Governor, Legislative Council, and House of Representatives, and that the former should have an absolute veto on the proceedings of the two Houses; he claimed to be a co-ordinate branch of the Legislature, vested with full discretion to decide on the propriety and expediency of all their acts, placing his own opinion, in every case, in opposition to the judgment and experience of both Houses.

The effect of the construction he gave, of his own powers, may be seen in the fact, that of *the thirty bills*, passed by the two Houses, during the first session, and sent to him for his approval, he refused his assent to *eleven*; some of which were supposed to be of much importance; and all of them calculated, more or less, to advance the public interest. Some of them he rejected, because they related to the establishment of new counties; others because he thought they were unnecessary, or inexpedient. Thus more than a third of the fruits of the labor of that entire session, was lost, by the exercise of the arbitrary discretion of one man.

In one of his communications, he begged the Assembly to

remember, that he was a co-ordinate branch of their body, and had a right to receive copies of all bills, reported in either House, as soon as they were printed, and furnished to the members. It was understood and known, that no act of the Assembly, could receive the force of a law, without his consent—that his veto was absolute and final ; and that it gave him a perfect control, over the exercise of the law-making power ; but it was not admitted for a moment, that he had a right to engage in the deliberations, or interfere in any manner, with the transactions of their body ; or to require them to communicate with him, on any measure pending in either House, as they did with each other ; yet, to gratify his feelings, a joint order was immediately made, directing the officers to send the bills, as he had desired.

The apparent unkindness of that reproof, was felt the more sensibly, from the fact, that the two Houses, during the preceding session, had respectfully requested him, to return the bills he could not approve, before the close of the session, with his objections ; so that it might be in their power, to make an effort to remove them, by amendments ; to which request, he returned the following uncourteous reply—"As to your request, gentlemen, that when any bill, or bills, may be presented for approbation, which may not be approved, I shall return them in ten days, to the House where they originated, with the objections, I may have to them, I am sorry to tell you, that it is altogether out of my power, to comply with it. The Ordinance for this government, has placed in the Governor, an absolute negative on the bills of the two Houses ; and you request, that it may, by me, be converted into a kind of qualified negative. You do not, indeed, require that should the objections be thought of little weight, your acts may become laws, without the Governor's assent. That would have been too directly in the face of the Ordinance ; though without it, I must own, I cannot see any use in sending the objections to you."

This, and some other occurrences of a similar character, which were manifest deviations from his usual course, not easily accounted for, multiplied his opponents very rapidly, and rendered it more difficult for his friends to defend and sustain him. They also created a state of bad feeling, between the legislative and executive branches, and eventually terminated in his removal from office, before the expiration of the Territorial government.

The Governor was unquestionably a man of superior talents, of extensive information, and of great uprightness of purpose, as well as suavity of manners. His general course, though in the main correct, was in some respects injurious to his own popularity; but it was the result of an honest exercise of his judgment. He not only believed that the power he claimed belonged legitimately to the executive, but was convinced that the manner in which he exercised it, was imposed on him as a duty, by the Ordinance; and was calculated to advance the best interests of the Territory. It was admitted, that he placed too high an estimate on the powers of his own mind, and on the general correctness of his judgment; and, though modest and unassuming, in his ordinary intercourse with society, he very rarely yielded his opinion when deliberately formed; however erroneous it might be in the estimation of others.

He had been accustomed from infancy, to mingle in the circles of taste and refinement, and had acquired a polish of manners, and a habitual respect for the feelings of others, which might be cited as a specimen of genuine politeness. It seemed to be his desire, that persons of every grade should feel at ease when in his company. And it may be said with great truth, that at the time he addressed the first Territorial Legislature, in 1799, he possessed as great, if not a greater share of the confidence and respect of the people of the Territory, than any other individual residing in it.

When the proposition to form a State government was warmly agitated, and party spirit carried to unusual lengths,

he expressed himself freely in opposition to the measure : and although he did not take an active part in the struggle, yet the mere expression of his preference, identified him with the party opposed to the change ; and not only so, but the influential station he occupied in the community, and the probable result of his communications to Congress on the subject, rendered him an opponent, greatly to be feared ; hence, the most strenuous efforts were made to weaken his influence, at home and abroad. To accomplish that purpose, the foibles and faults of a long life, were collected, exaggerated, and proclaimed throughout the Territory. False constructions were put on the most unexceptionable actions of his life. Ridicule, as well as falsehood, was employed against him, to such an extent, that strangers to his true character, might naturally conclude, that he possessed neither talent nor integrity. The free use he had made of the veto power, and the collisions which had occasionally taken place between him and the Legislature, though their intercourse had generally been harmonious and agreeable, were urged against him with great effect.

It was believed by every person, who witnessed the change of treatment, received by the Governor, from the advocates of a State Constitution, before and after the agitation of that subject commenced, and who had noted the circumstances attending it, that his opposition to their project was the chief ground of their opposition to him ; and that, if he had united with them on that question, the differences of opinion, and the occasional collisions which had occurred during his administration, would have been forgotten, or remembered, only, as unimportant errors in judgment, not affecting his wisdom, integrity, or patriotism. Be that as it may, one thing is very certain ; that, as the discussion of that project progressed, his supporters were fast deserting him, and before it closed, a majority of the persons who had been his friends and admirers, were asso-

ciated with his most active opponents, and seemed to have forgotten that they had ever believed him to possess a single virtue.

The efforts made to injure his character, and weaken his influence, were attributed by himself and his friends, to unworthy motives. Some alledged that the hostility of his opponents proceeded from a belief, that it was necessary to prostrate him, to accomplish their own political views. But on a calm review of those party conflicts, after a lapse of more than half a century, many circumstances, over which the mantle of oblivion has been thrown, might be uncovered, which would account for the conduct of the leaders of both parties, without ascribing to them more of self-interest, or less of honesty of purpose, than falls to the lot of those who are now called consistent politicians. Some part of the Governor's conduct was condemned by his best friends, and was well calculated to excite a warmth of feeling in his opponents, which might have led upright men beyond the limits of moderation, and even of justice.

An attentive observer of that talented man, could not escape the conclusion, that knowledge and prudence are not synonymous; and that talents of a high order, though united with integrity of purpose, are not always sufficient to guide their possessor in the path of duty or safety.

The Governor had many fast friends remaining in the Territory, who received a full share of the abuse in which he participated so largely, and who were not slack in their efforts to sustain him; but the most successful defence of his character, came from a distant and unexpected quarter. Mr. Charles Hammond, a young lawyer of Wheeling, then just admitted to the bar of the Territory—unknown to fame, and scarcely heard of beyond the little circle in which he moved, but whose talents, subsequently, raised him to the highest elevation in his profession, and whose course of life identified him with the history and politics of

Ohio, was induced to commence a series of numbers, in the *Scioto Gazette*, published at Chillicothe, in which he defended the Governor with great ability.

At the time he engaged in that defence, he had no personal acquaintance with the Governor—had never been introduced to him, and knew him only as he did other distinguished men, from his life, public conduct, and writings. The journals of the day, had given him a knowledge of his military services, in the French war, and in the war of the Revolution, and also of the manner in which the government of the Territory had been administered; from which he had no doubt of the fact, that he was a misrepresented, persecuted man. The publication of that defence, placed his character and conduct, in a fair point of light—refuted the most serious charges alledged against him, and elevated the youthful writer, to a high stand, in public estimation.

Soon after the Governor was removed from office, he returned to Legonier valley, poor and destitute of the means of subsistence; and unfortunately too much disabled, by age and infirmity, to embark in any kind of active business. During his administration of the Territorial government, he was induced to make himself personally liable for the purchase of a number of pack-horses, and other articles necessary to fit out an expedition against the Indians, to an amount of some two or three thousand dollars, which he was afterwards compelled to pay. Having no use for the money at the time, he did not present his claim to the government. After he was removed from office, he looked to that fund as his dependence for future subsistence; and, under a full expectation of receiving it, he repaired to Washington City, and presented his account to the proper officer of the Treasury. To his utter surprise and disappointment, it was rejected, on the mortifying ground, that, admitting it to have been originally correct, it was barred by the statute; and that the time which had elapsed, afford-

ed the highest presumption, that it had been settled, although no voucher or memorandum to that effect, could be found in the Department. To counteract the alledged presumption of payment, the original vouchers, showing the purchase, the purpose to which the property was applied, and the payment of the money, were exhibited. It was, however, still insisted that as the transaction was an old one, and had taken place before the burning of the War office, in Philadelphia, the lapse of time furnished satisfactory evidence, that the claim must have been settled, and the vouchers destroyed in that conflagration.

The pride of the old veteran was deeply wounded, by the ground on which his claim was refused; and he was induced, from that consideration, as well as by the pressure of poverty and want, to persevere in his efforts to maintain the justice and equity of his demand; still hoping that presumption would give way to truth. For the purpose of getting rid of his solicitations, Congress passed an act, purporting to be an act for his relief; but which merely removed the technical objection, founded on lapse of time, by authorising a settlement of his demands, regardless of the limitation. This step seemed necessary, to preserve their own character; but it left *the worn out veteran*, still at the mercy of the accounting officers of the Department, from whom he had nothing to expect, but disappointment. During the same session, a bill was introduced into the House of Representatives, granting him an annuity, which was rejected on the third reading, by a vote of 48 to 50.

After spending the principal part of two sessions, in useless efforts, subsisting, during the time, on the bounty of his friends, he abandoned the pursuit in despair, and returned to the Legonier valley, where he lived several years in the most abject poverty, in the family of a widowed daughter, as destitute as himself. At length, Pennsylvania, his adopted state, from considerations of personal respect, and gratitude for past services, as well as from a laudable

feeling of State pride, settled on him an annuity of three hundred dollars, which was soon after raised to six hundred and fifty dollars. That act of beneficence gave to the gallant old soldier a comfortable subsistence, for the little remnant of his days, which then remained. The honor resulting to the State, from that step, was very much enhanced, by the fact, that the individual on whom their bounty was bestowed, was a foreigner, and was known to be a warm opponent, in politics, to the great majority of the Legislature and their constituents.

He lived, however, but a short time, to enjoy the bounty. On the 31st of August, 1818, that venerable officer of the Revolution, after a long, brilliant, and useful life, died of an injury occasioned by the running away of his horse, near Greensburgh, in the eighty-fourth year of his age; and it is somewhat remarkable, that on the 18th of the succeeding month, his widow, who had been many years afflicted, partially, with mental derangement, died suddenly, at about the same age.

It had been the lot of that highly distinguished man, from the commencement of his military career in America, till he retired from the office of Governor of the North-western Territory, to maintain a constant intercourse with the Indian tribes, sometimes as an enemy in war, but more frequently as a friend and counsellor in peace. He had learnt their character in the days of their greatest power and purity, and was, therefore, uniformly the friend of that unfortunate, oppressed people.

CHAPTER XXI.

Character of the North-western Indians.—Misrepresentations refuted.—Their intercourse with the white people.—Its contaminating influence.—Their degeneracy.—Their final expulsion from the land of their nativity.

It is stated in a former chapter that a memorial was sent to the Legislature of the North-western Territory, by Governor St. Clair, at the instance of the missionaries of the church of the United Brethren, (Moravians,) who had formed establishments, under the authority of Congress, at Shoenbrun, Gnadenhutten, and Salem, on the Tuscarawas branch of the Muskingum river; on which a law was passed, to prevent the introduction of ardent spirits into those towns. It was also stated that, for a short time, the law produced a good effect; but that, as the white population increased, and approached nearer to the villages, it was found impossible, any longer, to carry it into execution. The result was, that the Indians became habitually intemperate, idle, and faithless; the missionaries lost all their influence over them; and eventually were constrained to abandon the settlements in despair.

What a contrast between this picture and that which was presented to the pioneers, when they first visited the country. The natives who then occupied it, were untaught and unpolished; but they were brave and generous. The art of war had been their study. The chase constituted their business and amusement, and furnished the food on which they subsisted. The warriors were too proud to labor, and imposed that drudgery on their women, as is the custom of all nations, in which Christianity is not taught and prac-

ticed. They claimed the entire country, alledging that it had been made by the Great Spirit for them and their children forever.

Being unconscious of danger, they met and greeted the pioneers as friends, when they first crossed the river and entered their territory; and they continued to treat them as such, till they began to apprehend hostile designs against themselves and their country; suspicions of which were instilled into their minds by British traders, very soon after the American settlements began. These children of the forest had some vague notions of a Deity, to whom they were responsible. They had a confused, undefined belief, in a future state of existence. They had a general impression, that after death, the Great Spirit would send them to some pleasant region, abounding with game, and fish, and fruit. That they would carry with them their rifles and their dogs, and enjoy the same gratifications they had been accustomed to in this life; but in a higher degree of perfection. With such crude notions as these, they lived and died, ignorant of any correct knowledge of the duties they owed to their Maker, and to their fellow men.

That unfortunate race, who seem to have been destined by Providence to utter extinction, have been misrepresented and slandered, no doubt to palliate the guilt of the outrages which have been perpetrated against them. Among other falsehoods, it has been asserted, confidently, but without a shadow of argument or fact, to sustain the assertion, that they cannot be brought to a state of civilization, or be induced to form communities, and engage in the pursuits of agriculture and the arts, in consequence of some physical difference between them and the Anglo-Saxon race. This hypothesis is contradicted by experience, which has abundantly shown, that the two races, when placed in the same situation, and acted on by the same causes, have invariably resorted to the same expedients, and pursued the same policy.

This averment is sustained by a reference to the white people, who have been taken prisoners in childhood, and brought up among the Indians. In every such case, the child of civilization has become the ferocious adult of the forest, manifesting all the peculiarities, tastes and preferences of the native Indian. His manners, habits, propensities, and pursuits have been the same; his fondness for the chase, and his reluctance to labor, the same; so that the most astute philosophical observer has not been able to discover any difference between them, except in the color of the skin; and in some instances even this distinction has been removed by long exposure to the elements, and the free use of oils and paints. There have been cases in which the children of white parents, who have been raised among the Indians from early infancy, have been taken home to their relatives in middle life, but have refused to remain, and have returned to the tribe in which they were brought up, whose habits, feelings, and mode of life they preferred.

One case of this kind occurred within the knowledge of the writer. A female, captured in infancy, and reared by the Indians, was brought in by them at the treaty of Greenville, and sent home to her relations in Kentucky. She soon became so discontented and restless, that in spite of all their efforts, she left them, returned to her former associates, and was again happy.

The attempts that have been made, at different times, to improve the minds and cultivate the morals of these people, have always been attended with success. Witness the Cherokees of Georgia, and the Wyandots, at Upper Sandusky. From 1821 to 1828, inclusive, the writer of these sketches passed through the latter settlement, almost every year, and occasionally twice a year, which gave him an opportunity to know, that they were devoting themselves principally, and almost exclusively, to agriculture and the arts; and were making rapid advances in civilization, when

the policy of government compelled them to abandon their farms, dispose of their stock and other property, at a great sacrifice, and migrate to the "Far West."

The imaginary physical difference, pretended to exist between the Europeans and the natives of this continent, vanishes at once, on an unprejudiced comparison between the civilized white man, and the civilized, educated Indian. In what respects, it may be asked, have Ross, Boudinot, Hicks, Ridge, and others, differed from the educated men of our own race? Their moral sense is the same—they manifest the same taste;—their preferences and dislikes—their habits and manners are the same: and their reasoning powers are equally strong and active. Inasmuch, then, as the reclaimed, educated Indian, becomes assimilated to the white man; and the European brought up from infancy among the Indians, becomes identified with them, this alledged difference cannot be real,—it must be imaginary.

The fact is, the difficulty of civilizing the natives of this continent, is neither greater nor less, than that which retarded the improvement of the barbarous nations of Europe, two thousand years ago. Human nature, under the same circumstances is, has been, and will be the same, in all ages and countries. Men, uncivilized, have always had a propensity to roam—they have delighted in the chase, rather than in agriculture; and both history and experience prove, that nothing but necessity, arising from such an increase of population as destroys the game, has induced men to settle in communities, and rely on the cultivation of the earth, for subsistence. In the progress of civilization, the chase has given way to the pastoral state, and that has yielded to agriculture, as the increase of numbers has rendered it necessary.

The difficulty of reclaiming the Indians of North America from savage life, may be ascribed principally to two causes: first, the almost boundless extent of forest and prairie, which surround them on all sides, filled with game. Second, the

facility with which they learn and practice the vices of white men; particularly those of intemperance and idleness. The one invites them to the chase, and surpersedes the necessity of the labor, and the drudgery, which agriculture imposes: the other unfits them for any employment; and especially for judging and deciding, on the policy, best calculated to advance their interest, and promote their happiness. If it were possible to protect them, from those vices, till the forest and the river ceased to supply them and their increase with food, they would devote themselves to agriculture and the arts; in the same manner, as the barbarians of other times and other countries, have done.

Necessity has always been the stimulus, that has urged the idler to industry. Without labor, no dense population can exist, and in proportion as the number of inhabitants in any district of country have increased, industry has also increased, and agriculture has been resorted to, from necessity. As soon as the Cherokees, and the Wyandots, were surrounded by a white population, and their territory was so contracted as to cut off their dependence on hunting and fishing, they became farmers, and manifested a strong desire to till the earth, and cultivate the arts; and this would have been the choice of the whole Indian race, if the policy of government had permitted it.

It is not just, to consider the natives of this country, as a distinct, and inferior race; because they do not generally imitate us, when we not only remove every consideration that could induce them to do so; but in fact, render it impossible. What motive of ambition was there, to stimulate them to effort; when they were made to feel, that they held their country as tenants at will, liable to be driven off at the pleasure of their oppressors? As soon as they were brought to a situation in which necessity prompted them to industry, and induced them to begin to adopt our manners and habits of life, the covetous eye of the white man was fixed on their incipient improvements, and they received

the chilling notice that they must look elsewhere for permanent homes.

They have also been charged by their enemies with treachery; but a candid examination of their character, before they learnt the vices of white men, will show this charge to be untrue in the sense in which it is made. It is admitted, that it was their practice to use deception against their enemies, and that the study of that art, constituted a branch of their military education. They always thought it honorable to deceive and injure those with whom they were at war, by any means in their power; however dishonorable, in the estimation of civilized nations; but in time of peace, the case was otherwise. Then the white man might traverse their country—visit their hunting camps and their villages without danger of molestation; for they made it a point of honor, to protect the person and the property of those who confided in them. These remarks apply to the time when they were in name and in fact, independent nations and undisputed owners of the country they occupied. Then they were brave, generous, and kind to their friends; equally prompt to avenge insults and reciprocate favors.

Another allegation prejudicial to the red men of our continent is, that they are cowards; a charge which has arisen from the fact, that they were all taught from infancy to avoid an exposure of life, in cases where the loss of it would not be compensated for, by the object to be gained. But this is not an evidence of want of courage; it is commendable prudence, dictated by wisdom; and was in them the result of education. So far from being cowards, no other people have furnished more cases of imminent exposure and self-devotion.

The philanthropist cannot restrain the tear of pity, when he learns the progress of intemperance and its destructive effects among those unhappy tribes. At the time our settlements were commencing, north-west of the Ohio, that hardy race were its acknowledged owners and sovereigns.

The government claimed no right, either of occupancy or soil, but as they obtained it by purchase.* The entire country from Pennsylvania to the Mississippi, was admitted to be theirs, and a more delightful fertile valley cannot be found on the earth. The early adventurers from the United States, to this valley, found it filled with tribes of happy people, uncontaminated by the vices that prevail in civilized life, enjoying all the comforts and luxuries which they supposed the world afforded. Their forests and prairies were filled with game, and their rivers and lakes abounded with fish. They were contented with their condition, and thankful to the Great Spirit for the rich abundance with which he supplied their daily wants.

Unconscious of the ruinous consequences that were to follow their intimacy with white men, they ceded to the American government large and valuable portions of their country at nominal prices. Those lands were rapidly settled by Americans, in whose purity and friendship the unsuspecting natives had great confidence; nor did they awake from that delusion, till their habits of sobriety and morality had been undermined, by the unprincipled white men with whom they associated; and until the vices engendered by intemperance and idleness had contaminated every tribe.

The consequences of this degeneracy very soon terminated in their ruin. The hunting excursion ceased to be pleasurable; the labor of raising their usual crops of corn and beans became a drudgery; and their chief delight was in the excitement produced by ardent spirits. The consequence was, that their subsistence became precarious; they often suffered for food; their health declined; they raised

* In proof of this assertion the reader is referred to a communication made to the North-western Indians on the 31st of July, 1793, by the Commissioners of the United States, at the house of Captain Elliott, near the mouth of Detroit river; an extract from which will be found in the seventh chapter of this book.

but few of their children; their self-respect, their dignity of character, and the heroism inherited from their ancestors, were lost. The ravages of intemperance and its kindred vices, reduced their numbers, and scattered their tribes. They became, in their own estimation, a degraded, dependent race. The government, availing itself of their weakness and want of energy, succeeded, by bribes and menaces, in obtaining the best portions of their country, and eventually in driving them from the land of their birth, to a distant home, in an unknown region.

This distressing chapter of aboriginal history began at the treaty of Greenville, in 1795, and terminated in less than fifty years. The writer of these notes witnessed its commencement, progress, and close. Prior to that treaty, there had been no friendly intercourse between the Indians and the white men of the United States, in consequence of the war which existed between them. That intercourse and its destructive consequences began immediately after the restoration of peace. Until that time, the natives were numerous, powerful, and uncontaminated.

The yearly journeys of the writer, to attend the General Court of the Territory at Detroit, made it necessary to go through some of their villages, and convenient to visit others, and often led him to their hunting camps, which gave him many opportunities of seeing them in their villages and on their hunting excursions, and of becoming personally acquainted with some of their principal chiefs and warriors. At that time, their hospitality was limited only by their means of indulging it. The corrupting influence of their new associates was just commencing, and had made but little progress. They retained the distinctive marks of their national character. Their deportment showed that they felt conscious of their strength.

In their general intercourse with white people, their manners and deportment manifested their consciousness of equality. They had lost nothing of the self-confidence,

which they possessed, when the national and state governments admitted their independence, and met them in council as equals and friends. They were, however, unconscious of their comparative numerical weakness, and of the corrupting influence of their new associates. In a few short years their eyes were opened—their delusion vanished, and their last hopes sunk in despair.

It would be unjust to form an opinion of the original inhabitants of this country, by a reference to their descendants, of the present day. In the short period of half a century, they have been so changed, that scarcely a trace remains of what they were, when their country was first entered by the pioneers of our race; an event which sealed their destiny.

In journeying, more recently, through the State, the writer has occasionally passed over the ground, on which, many years before, he had seen Indian towns filled with families of that devoted race, contented and happy; but he could not perceive the slightest trace of those villages, or the people who had occupied them. All the settlements through which he passed on the Maumee and the Auglaize, from Fort Wayne to Defiance, and from thence to the foot of the Rapids, had been broken up and deserted. The battle-ground of General Wayne, which he had often seen, in the rude state in which it was, when the action of 1794 was fought, was so changed in its appearance, that he could not recognize it, and not an indication remained, of the many populous Indian villages, he had formerly seen, extending many miles on either side of the river. Flourishing towns, and fields cultivated by white men, covered the ground, which, thirty years before, was the property and the home of the natives of the forest.

The contrast was striking; and excited a train of unpleasant recollections. It was a natural enquiry, "Where are the multitudes of red people, who were formerly seen here, amusing themselves on these Rapids, taking the swift

muskelunge, with their bows and arrows?" They were then independent and undisturbed owners of the country, which had descended to them through a long line of heroic ancestors, and which they expected their children would continue to possess, when they were gone.

It was far from their thoughts, that in a few years they would be expelled from those homes, and driven to herd with strangers, in a strange land. They did not expect to hear, so soon, the same chilling salutation, which was addressed to the eloquent bard of Mantua, by the Roman soldier, to whom his paternal villa had been allotted, by the agrarian laws of Italy.

"Hæc mea sunt; victores migratis coloni."

The final catastrophe of that noble race, was witnessed by the people of Cincinnati, a few years since, when the remnant of the Wyandots, the last of the braves of the Ohio tribes*—"*reliquias Danaum atque inimitis Achillei*"—arrived at the landing, and ascended the steam ships that were to convey them from the places of their nativity, into hopeless banishment. To the eye of the humane observer, they seemed to linger, and turn to the north, as if to bid a last farewell, to the tombs in which they had deposited the remains of their deceased children, and in which the bones of their fathers had been accumulating and mouldering for untold ages.

• • • "Quis tanta fundo
Myrmidonum, Dolopumæ, aut duri miles Ulyssæi
Temperet a lachrymis?"

* Since this article was written, a remnant of the Miami tribe, who had been suffered to remain on a reservation, made by treaty in their favor, in the State of Indiana, but since relinquished to the United States, have been compelled to remove. During the month of October, 1846, they arrived at Cincinnati, about seventy in number, including women and children, and embarked on a steamboat, bound to St. Louis, on their way to the Far West.

CHAPTER XXII.

Early land laws injudicious.—Sold in very large tracts.—Few purchasers.—Settlement of the country retarded.—Laws modified.—Sales in small tracts.—Population multiplied.—State improvements advanced.—Commerce of little value for want of a market.—Produce of the country consumed in the expense of transportation.—Miami Exporting Company got up.—Its objects.—Introduction of barges.—Schemes to improve the navigation of the Falls.—Canal attempted on the Indiana side.—Operations of the Branch Bank of the United States at Cincinnati.—Tyrannical proceedings of the Agent of the parent Board.—Immense sacrifice of private property.

THE plan originally adopted by Congress, for the sale of their land in the Western Territory, was injudicious, and calculated to defeat its own object. The first ordinance passed for that purpose, proposed to sell it in tracts of two millions of acres; the second, in smaller tracts of one million. Under that ordinance, the contract of the Ohio Company, on the Muskingum, and that of Judge Symmes and his associates, between the Miamies, were made; the former for two millions, the latter for one million of acres. By a subsequent ordinance, passed in May, 1785, seven ranges of townships, of five miles square, were surveyed on the Ohio river, and the Pennsylvania line, which were divided and offered for sale, in quarter townships; first at Pittsburgh, and afterwards in Philadelphia.

In May, 1796, an act was passed, calculated, in a small degree, to accommodate the people, and accomplish the object of Congress. That law directed the Surveyor General to cause the public lands to be divided into townships of six miles square; and one-half of those townships, taking them alternately, to be divided into sections of one mile

square, and the residue into quarter townships of three miles square.

In the year 1800, another law was passed, ordering a portion of these lands to be sub-divided, and sold in half sections, of three hundred and twenty acres. When this law came into operation, Land Offices were established at Cincinnati, Chillicothe, Marietta, and Steubenville, and a large quantity of the richest and most productive soil was brought into market. The character and value of Western lands, and the mildness and salubrity of the climate, were then becoming generally known, and understood. A permanent peace with the Indian tribes had been established, and public attention, throughout the Atlantic States, had been directed to the Ohio.

Anterior to that time, the tracts of land, offered for sale by the government, were so large, that men of limited means were unable to purchase. The scheme which had been established, was better calculated to meet the views of speculators, and advance their interest, than it was to relieve the poor, industrious laborer, who by the decree of the Fates was compelled to eat his bread in the sweat of his face. The smallest tract that could be purchased was a section, of six hundred and forty acres. A fractional section lying on a river, or on the boundary of a separate district, containing a smaller quantity than six hundred and forty acres, could not be sold, but in connection with the adjoining section.

Although this approximation towards the accommodation of the industrious poor was of great importance, yet it was not sufficiently so, to advance the settlement of the Territory, with much rapidity. But the act passed at a subsequent session, which ordered the sections and half sections to be subdivided and offered for sale in quarter sections, at two dollars per acre, on a credit of five years, was of vastly more importance, as it enabled multitudes to become freeholders, and independent cultivators of their

own domain, who, otherwise, must have been hirelings to the wealthy, or have swelled the ranks of the idle and the dissipated. It also encouraged and increased emigration to the western country.

Under these meliorations of the rigor of the land system, large portions of the most fertile soil in the Territory, which, until then, had been placed beyond the reach of the most numerous class of emigrants, were offered for sale on such easy terms, that purchasers flocked to the country from every part of the Union; and from that time the Miami settlements, in common with other portions of the eastern district, began to populate rapidly; so that, in less than three years thereafter, a Convention was in session, forming a Constitution for the State of Ohio. The rapidity with which the Territory was settled and improved, from that period, has perhaps never been equalled, in any age or country.

One of the greatest embarrassments, under which the people of the West labored at that early period, arose from the difficulty of conveying their products to market, and of procuring such foreign articles in return as were required for use and comfort. No artificial roads had been made; canals had not been thought of; the natural impediments in the rivers of the country, rendered their navigation difficult and hazardous at all times; always tedious, and often impracticable; and when the water was at its most favorable stage, the distance of the principal market, the imperfect means of transportation, and the low price of produce were such, that a large portion of the avails of a cargo was consumed by the expense of taking it to market. The only water-craft in use were pirogues, flat-boats and keel-boats, moved by oars and setting-poles—"*ratem conto subigit.*" The average time required to make a trip to New Orleans and back to Cincinnati, was six months. The craft made use of were necessarily small, and the cargoes proportionably light; and when they arrived at New Orleans in flat-boats,

which could not be taken back, the boats were abandoned, and the hands returned by land, most generally on foot, through a wilderness inhabited by Indians, of seven or eight hundred miles. Pirogues and keel-boats returned loaded with such articles as the market of New Orleans afforded. Under such disadvantages, the commerce of the country was nominal, and nothing but necessity prompted the inhabitants to engage in it. The farmer had no motive to increase the product of his fields, beyond the wants of his family, and of emigrants, or "new comers," as they were called, who might settle in his immediate neighborhood.

For many years, these emigrants created the only demand which existed in the interior settlements, for the surplus products of agriculture. Corn and oats rarely commanded more than ten or twelve cents per bushel; they were frequently purchased at eight cents, and wheat from thirty to forty cents. The average price of good beef was one dollar and fifty cents per hundred, and pork sold from one to two dollars, according to quality. At such prices it is evident, that following the plough was not the road to wealth; and yet the farmers lived independently, and enjoyed as much real comfort as they have at any period since. They were content with the plain healthful food produced by their own hands, and the simple, comfortable dress they were enabled to acquire. On every farm was to be seen a small flock of sheep, and, generally, a patch of flax, and in the cabin always a spinning wheel, and occasionally a loom. They did not crave luxury or show, because they were not enjoyed by their neighbors; and they were content to live and appear in the same style, as others did with whom they associated. But those days of simplicity have passed away; and it is for the moralist to decide whether the change be for the better or the worse.

During this period of depression, when the produce of the country would not defray the expense of transportation to a distant market, the project of the Miami Export-

ing Company was got up. The plan was first suggested by Mr. Jesse Hunt, an experienced merchant and pioneer. For the purpose of eliciting information, he proposed the question to the merchants of Cincinnati, and the farmers of the neighborhood, whether a plan could not be devised, which, with the aid of corporate powers, would enable them to make such arrangements, as would put it in their power to reduce the difficulty and expense of transportation; so far as to make it an object to collect the produce of the country, and ship it to New Orleans. The enquiry resulted in a general belief, that a scheme could be devised for that purpose, and successfully executed. As soon as it was ascertained that this was the prevailing opinion, and that the farmers were disposed to join the association, Mr. Hunt, with the aid of some friends, drafted the plan of a charter, and submitted it to the consideration of those with whom he had consulted.

Although there was a strong hope, that the plan would succeed, and the interesting purpose of the association be accomplished, yet there was some doubt on the subject; in consequence of which the provision was introduced, on which the banking powers of the company were founded; with a distinct understanding, that if, after a fair experiment, it should be ascertained that the shipment of produce could not be successfully carried on, the capital might be employed in banking operations. The experiment was fairly made, and proved to be a failure.

When the charter was before the Legislature, there was no motive for concealing the intention of the company, in case their first and main object should fail. At that time, there was not a bank in the country; no prejudice existed against such an institution; it was not believed, that a cash capital could be raised, sufficient to constitute one; and there was no reason to think, that if a bank charter had been asked for, it would have been denied. It was the opinion of many that the exporting plan would fail; and

that a sufficient amount of money could not be raised, to render a bank either useful to the country, or profitable to the owners. The charge of concealment and deception, made against the persons who got up the institution, was without foundation. There was no motive for concealment, as it was evident that the first object of the company was the shipment of the products of the country.

At the time the association was formed, the agriculture and commerce of the West, were at the lowest point of depression. Those who looked forward to the future, and attempted to calculate for time to come, from what they then saw, were of opinion that the valley of the Ohio, rich as it was in the materials of commerce and wealth, would not be more valuable in the possession of its civilized owners, than it had been, when it was the hunting ground of the aborigines, unless a plan could be devised, to facilitate the exportation of its products. It was of no importance to the farmer, that his fields, with careful cultivation, would yield from fifty to a hundred bushels of corn per acre, when a fourth part of that quantity would answer his purpose; there being no market for a surplus.

The inhabitants of the country, in 1803, when the Miami Exporting Company was organised, may discover the reasons why it was got up, and sanctioned by the Legislature, without looking beyond the objects, expressed in the charter. The great improvements effected in the business facilities of the country, since that period, by the construction of roads, bridges, and canals—by the improvement of river and lake navigation, and above all, by the successful application of steam power to manufacturing, traveling, and commercial purposes, have driven from memory the difficulties and embarrassments of primitive times, and given the appearance of fable, to the most faithful description of facts, as they existed before, and for some years after, the formation of the State government.

The first improvement in the navigation of the West,

and in her commercial operations, was the introduction of barges, moved by sails, when the wind permitted, and at other times, by oars and setting-poles, as the state of the water might require. These vessels were constructed to carry from fifty to a hundred tons. In wet seasons, if properly manned, they could make two trips, between Cincinnati and New Orleans, in a year. The increased quantity of cargo they carried, reduced the price of freight, and enabled them to transport, from New Orleans to Cincinnati, at from five to six dollars per hundred, which was below the average charge of carriage across the mountains.

From that time, most of the groceries, and other imported articles used in the Territory, were brought up the river, by those barges; and as the price of freight was diminished, the quantity of produce shipped was proportionably increased. The introduction of this mode of navigating the Ohio and Mississippi, was an epoch in the history of the West. It was viewed as an improvement, destined to advance both her commercial and agricultural interests. The project was suggested and carried into operation, by two commercial houses in Cincinnati, Messrs. Baum & Perry, and Messrs. Riddle, Bechtel & Co. The vessels which they constructed, were well adapted to the purpose, for which they were designed, and continued in use, till the introduction of steamboats, about the year 1817.

Since that time, the people of Ohio seem to have forgotten the fact, that they are situated, from fifteen hundred to two thousand miles, by water communication, from any port on the Atlantic coast; and have ascertained, experimentally, that the superior fertility of their soil, and the great facility of cultivating it, yield a full equivalent for the difference of situation.

As the settlements and business of the valley of the Ohio increased, the danger, delay, and expense of passing the falls of that river, became a subject of general solicitude. The impediment they created in the great highway of west-

ern commerce, and the faint hope there was, of its being removed in any reasonable period, detracted very much from what would otherwise have been the estimated value of the country.

Men of intelligence and enterprise, who were engaged in the river trade at Pittsburgh, Cincinnati, and intermediate towns, having been subjected to the inconvenience and expense, caused by that obstruction, from the first settlement of the country, began to discuss the question, whether the difficulty could not be removed. Estimates were made of the probable cost of such an undertaking; and also of the loss to which the commerce of the river was subjected, in consequence of the impediment. Among others, William Noble, one of the early settlers, and most enterprising merchants of Cincinnati, directed his attention to the subject, and took great pains to ascertain the expense which it occasioned. He found, at that early day, when the commerce of the West was in its infancy, that the loss sustained by traders residing above the falls, amounted in one year, to eighty thousand dollars, including storage, drayage, cooperage, commissions, and the wages of hands during the delay.

This and similar estimates excited general attention, and the public mind became alive to the subject. Various projects were proposed and discussed. Calculations were made by different individuals; and public feeling seemed to indicate that something would be done without delay. It was ascertained, that the fall in the bed of the river, opposite Louisville, did not exceed the average of the fall from Pittsburg to the Mississippi, and that the obstruction was occasioned by a dam of rock, passing across the river, and extending some distance into the country, on either side. This gave rise to a project for opening the channel, by blowing and removing the rock; but it was found, that the expense of that plan would be enormous, if it were practicable. It was also found, that by opening a passage

sufficiently wide for boats to pass, the power of the current would be so increased, as to render the descent extremely dangerous, and the ascent impracticable. It was therefore abandoned, and public attention was directed to the expediency of attempting a canal.

The State of Indiana was anxious to remove the impediment, which affected her own citizens, in common with all others; and having the jurisdiction on the river, concurrent with Kentucky, secured by the compact with the commonwealth of Virginia, she incorporated a company in 1817, to construct a canal of sufficient dimensions, to pass the largest boats then navigating the river. The board of directors, named in the act, to carry on the work, employed Mr. Flint, a native of Ireland, who was an accomplished engineer, and had been, for some years, attached to a corps of civil engineers, in the service of Napoleon.

After he had examined the ground at the Rapids, with a scientific eye, on both sides of the river, and taken the necessary levels, and made such examinations and calculations as were necessary for the purpose; he selected the Indiana side as the most preferable. In his report, he pointed out the difficulties, which have since been found to exist on the Louisville side; and assigned the reasons why they would occur, if the canal should be constructed at that place. He made his calculations with care, and stated, that a canal on the southern side of the river, would cost a larger sum of money, than it would on the northern; and that, when finished, it would, in certain stages of water, be difficult and hazardous for descending boats to enter it. He also stated reasons why the canal would be liable to be obstructed by deposits of mud and sand. After these calculations and reports had been made, the canal was located from the mouth of a ravine in Jeffersonville, to the foot of the Falls.

It is an important fact, in reference to this subject, that in the rear of Jeffersonville, and contiguous to the river,

there were two or three large ponds, which, at that period, were almost constantly full of water; from which, in wet seasons, a considerable stream ran into the river. They were on ground so high, that the water could be taken from them to the Ohio, either above or below the Falls. It was a part of Mr. Flint's plan, to excavate the canal down to the rock, by the agency of those ponds. For that purpose, a dam was erected, at an expense of fifteen hundred dollars, to turn the water from its natural channel, and lead it into a small ditch, cut on the line of the canal.

The experiment was successfully made, and in a few weeks, an immense quantity of earth was washed out, through the ravine, into the river, at the head of the Falls. It was the opinion of the board, that the experiment would succeed, to the full extent of their calculation; but unfortunately, the dam which had been constructed, gave way, suddenly, but not until the efficiency of the plan had been fairly tested. Suspicions were entertained, that a breach had been made in the night by some persons inimical to the project, sufficiently large for the water to complete the work of destruction, before morning.

During this time, the people of Louisville obtained a charter from the Legislature of Kentucky, to construct a canal on their side of the river. Estimates were made of the cost of the work, very much below those of Mr. Flint, and below what has since been found to be correct. Large subscriptions, many of them fictitious, were obtained, and efforts made to induce a general belief, that the work would be completed, without delay. The subscribers under the Indiana charter became alarmed at the idea of a competition which might prevent the completion of either of the canals; or if not, might destroy all hope of profit from their investments. The consequence was a refusal to pay the instalments due on their stock, and the work from necessity was brought to a close.

Had the dam stood a few months, (the wet season having

just commenced, at the time of its failure,) the operation of the water would have satisfied the most sceptical of the practicability of the undertaking, and would have accomplished such an amount of excavation as would have insured the completion of the work.

William Noble and J. Burnet, of Cincinnati, were appointed, by the law of Indiana, two of the commissioners for carrying it into effect. Those gentlemen, feeling an interest in every effort to improve the condition of the country, and increase the facilities of its commerce, accepted the trust, and engaged in the enterprise, and expended six or seven hundred dollars of their private funds before the work was abandoned.

For the purpose of raising means in aid of the project, the charter authorised the board to project, and carry through a lottery. Under that power, a scheme was devised, tickets were printed, and placed in the hands of agents for sale. The undertaking, however, did not succeed. Some of the money received for tickets, was expended on the work, but much the larger portion of it was lost, by the infidelity or insolvency of the agents; in consequence of which, the lottery was not drawn; and the whole amount paid for tickets was a loss to the purchasers.

In anticipation of the instalments to become due on the subscription, the board borrowed money, at different times, to an amount of fifteen hundred or two thousand dollars; for which individual members became liable as indorsers, and were afterwards obliged to take the notes up, without any recourse for indemnity.

At a meeting of the board at Jeffersonville, in the fall of 1819, they had an opportunity of seeing the bed of the river, on the Falls, at the lowest stage of water which had occurred from the earliest settlement of the country. All the water of the river passed down the Falls, through a channel in the bed of the rock, not more than twenty-four feet wide; which was divided in the centre by a ledge of

rock about a foot wide, extending the whole length of the channel, having very much the appearance of masonry; so that with a couple of twelve feet plank, the river could have been crossed dry shod.

The channel had very much the appearance of two contiguous canals, excavated in the rock, with perpendicular sides, separated by a stone wall, having here and there a stone broken out. These openings were at different distances from each other, and formed communications between the channels. The regularity of the excavation, gave it the appearance of being artificial. It extended about a third part of the distance from the head to the foot of the Falls.

The momentum of the water, which appeared to the eye not to be more than two feet deep, was astonishing. Several attempts were made with a hickory handspike, to ascertain its depth; but there was not a person in the company, who could force it into the water, more than one foot, before it was thrown to the surface, by the power of the current. The day before, a person, supposed to be intoxicated, was drowned in an attempt to cross; and on the day following, his body was found below the Falls, very much bruised. The stream being confined to so narrow a channel, and passing over a fall of seven or eight feet to the mile, exposed to the eye the entire bed of the river, from one shore to the other, and presented a view more interesting than can be described.

The rocks over which the water passed, at a medium stage, and which formed the most dangerous obstruction to the navigation, were entirely bare. They were connected with the lower part of the island, and passed in a curvilinear form, about three-fourths of the way, from the island to the Indiana shore, extending down stream, at an angle of about forty-five degrees with the river bank. The bed of the stream was covered with a great variety of petrifications; among them was the trunk of a large tree, com-

pletely petrified, portions of which were severed, and, with other interesting specimens, collected at the same time, were brought to Cincinnati, and deposited in the museum.

The information obtained at that time, was of great importance to the pilots of the place, who had an opportunity of ascertaining the precise situation and magnitude of the obstructions in the channel; and of discovering what portions of the river bed were smooth and free from impediment; and also to ascertain the elevations and depressions in the surface of the bottom, by which they might know where the greatest depth of water was to be found, as well as the position of the impediments. Such another opportunity has never been afforded since the settlement of the country began.

In 1811, when the charter of the Bank of the United States, established under the auspices of President Washington, was about to expire, an application was made to Congress, on behalf of the company, to have it renewed. Similar applications were made by the people, in different parts of the country, setting forth the necessity of such an institution, as well for the commerce of the country, as for the fiscal concerns of the government. The application, however, was rejected by the politicians who then controlled the destinies of the nation.

In 1816, when the subject was again brought before Congress, most of those who had opposed the application in 1811, either on the ground of inexpediency, or of constitutional scruples, had become satisfied that such an institution was necessary for the collection, safe keeping, and disbursement, of the public revenue, and was therefore constitutional. They had also seen the consequences of relying on State institutions, for supplying the country with a circulating medium. They knew that the notes of the local banks were then greatly depreciated—that many of them had failed—that public confidence was, in a great degree, withdrawn from them all—that no person felt

entirely safe, in receiving their paper, and that such was the derangement of the finances of the Union, in consequence of it, that the Treasury had nothing to offer in payment of its liabilities but that depreciated currency. Members of Congress, who could not conveniently return home without their pay, were compelled to receive that wretched substitute for money.

These facts, with all their embarrassing results, had been felt; public opinion had yielded to their influence, and the business community had united in opinion in favor of a National Bank, as the only source of a sound currency, and the only agent that could restrain the State institutions from unreasonable and injurious issues. In the western country this feeling was universal. Congress participated in the general sentiment, and in April 1816, they passed a law establishing a Bank, which was approved by Mr. Madison, then at the head of the Executive Government.

As soon as the institution was organized, applications were made from all parts of the country for the establishment of branches. Some of the principal towns of Ohio, put in their claims, and sent committees to Philadelphia, to sustain them. The success of those applications was considered as highly important, and indeed, absolutely necessary, to revive and sustain the crippled business, and credit of the States. The best paper then in circulation in the western country, was greatly depreciated. Every article of merchandise, and every agricultural product had its specie and its paper price; in consequence of which, the estimated loss on the consumption of foreign products, was not less than twenty per cent., to which should be added, a further sacrifice in the purchase of bills for remittance, at an exorbitant rate of exchange.

Experience is always the best teacher of wisdom, and the lessons learnt in her school are generally safe. Whatever the prejudice might have been against such an institution in other States, it was neither general nor strong, in

Ohio. Her people had not forgotten the beneficial operations of the old Bank, whose charter had expired; and, with few exceptions, they were friendly to the establishment of a new one. The mission of committees from Ohio, to solicit branches, resulted in the establishment of two—one at Cincinnati, and the other at Chillicothe. The former went into successful operation, under the superintendence of an intelligent board of directors, and of Gorham A. Worth, Esq., an experienced financier of New York, who had been appointed cashier.

The amount of paper discounted at that office, including domestic and foreign bills, was supposed to be less than at any other office, in a place of the same population and business; and the board were not conscious that a single bad debt had been made. While the business of the office was thus conducted, the parent board entered into an arrangement with the Treasury Department of the United States, to receive as cash, their Land Office deposits in the western banks. The terms on which that contract was made, were not communicated, though it was evident that the Bank of the United States must have been allowed a heavy discount, by the Treasury Department, as the deposits consisted entirely of depreciated paper, not worth more, on an average, than sixty, or at most, seventy cents on the dollar.

About nine hundred thousand dollars of that trash, were sent to the office at Cincinnati, with directions to collect the amount from the Banks by which it had been issued. The best of it was passing at a discount of thirty per cent. and upwards. Some of the Banks had failed entirely, and all of them had stopped specie payments. Under those circumstances it was impossible to execute the order, of which notice was immediately given to the parent board. The directors of the office were of opinion, that the most advantageous disposition that could be made of that perishing paper, was to loan it at par, on the best security that

could be obtained; as they knew it was absolutely impossible for the institutions, from which it issued, to redeem it then, whatever might be the case thereafter.

This plan was communicated to the parent board, and further instructions requested. No response having been received, and the paper daily becoming less valuable, the officers of the branch took it for granted that their suggestion was approved; and proceeded, forthwith, to loan the paper, as par funds, on the same principles that governed them, in other cases. In a few months, nearly the whole amount was disposed of, on security which was believed to be good. About three-fourths of it proved to be so; every cent of which, principal and interest, was collected. That amount exceeded the value of the whole remittance, if the residue had been lost; this, however, was not the case. A large portion of the remaining fourth was also collected; so that the sum saved, fell but very little short of the nominal amount of the remittance; and even that deficiency would have been much less than it was, had it not been for the distressing pressure produced by the sudden discontinuance of the office, accompanied by an order, promptly executed, to put in suit every debt due to the institution, without delay.

It is impossible for a person, who did not see the reckless course of Mr. Wilson, the Cashier and agent of the mother Bank, to form an adequate idea of the desolation which it produced. The business of Cincinnati and its vicinity was prostrated; many of her most intelligent business men were ruined; and she did not recover from the shock, for many years. In 1821 and 1822, when this work of desolation was going on, the whole country was laboring under great pecuniary embarrassment. Money was not to be had, on any terms. Creditors found it necessary, every where, to indulge their debtors: and without such indulgence, the entire West must have become a community of bankrupts.

Such was the state of things, when this severe blow was

inflicted on the people of Cincinnati. In carrying out the order, every debtor to the institution, however wealthy, was prosecuted to judgment and execution. There were a few who obtained a short respite, by giving mortgages on real estate, with power to confess judgment; but in the end they suffered more severely than those who permitted the law to take its course.

It is a fact, highly honorable to the persecuted debtors of that institution, that the statute of usury was not plead, in a single instance; though it was a fact, easy of proof, that in at least half of the cases, the defendants did not receive from the bank more than sixty, or at most, seventy per cent. of the amount for which they gave their notes.

It was understood, that Mr. Wilson, who had plenary powers to act as his judgment might dictate, adopted this plan, on his own responsibility, but it was subsequently approved by the mother board. He assigned as the reason for his conduct, the false pretence, that the managers of the office had loaned the funds in their possession, with a profusion that proved them to be unworthy of confidence. The fact, however, was as stated above, that, until the time of receiving the Land office deposits, the discounts at Cincinnati were less than the population and business of the city would have justified, and were perfectly secure. The excess complained of, resulted entirely from the loans which were made, to save the depreciated paper, cast on the office, by the arrangement with the Treasury.

The institution was very unfortunate, in the selection of Mr. Wilson, as its agent. Though a correct accountant, and probably an honest man, he was weak and prejudiced, open to flattery, and very easily imposed on. His character, at Cincinnati, was soon penetrated, and he became the tool and the dupe of men who knew how to use him.

After his return to Philadelphia, for the purpose of justifying the steps he had taken, an exaggerated statement was published, calculated to create a belief, that the Bank

would sustain a heavy loss, by the operations of their office in Cincinnati. The fact, however, was very much the reverse. They received their own with triple usury. Every dollar of capital furnished the branch, including the Land office trash, charged as par funds, has been repaid, and they have made a very large profit on real estate, taken from their debtors, at their own valuation, which in many instances did not exceed half the amount of its intrinsic value.

CHAPTER XXIII.

Contract of Judge Symmes with the Board of Treasury.—His proposition to purchase two millions of acres, entitling him to College lands.—Deposit of money on account.—Misunderstanding with Congress.—Contract closed by agents for one million of acres.—College lands thereby relinquished.—Terms of sale and settlement established.—Published at Trenton.—Progress of the Miami settlements.—History of the College township.

It is proposed in this chapter to state the nature of the contract of John C. Symmes and his associates, for lands between the Miami rivers, and give some of the facts connected with the purchase. It is generally known, that at the close of the Revolutionary war, each State set up an exclusive claim to the unappropriated land within the limits of its charter. Those States which had no vacant land, of which number was the State of New Jersey, remonstrated against the claim, as unjust and inequitable. They contended, that as the war had been sustained, and the independence of the country acquired by the blood and treasure of all the States, every thing which had been wrested from the crown, in the struggle, belonged to the United States, in their confederate character, as a matter of right; and should be held for their joint and equal benefit.

There was much excitement on that subject, and propositions were made in the public prints of the day, advising the destitute States to seize on portions of those vacant lands, for their own use. To allay the ferment, Congress made strong appeals to the justice and patriotism of the States, holding those claims, to make liberal cessions to Congress, for the common benefit of the Union. That re-

quisition was complied with, by several of the States. Virginia made a cession of the entire territory, north-west of the Ohio; and Connecticut ceded all her claim to the same territory, excepting that district, on Lake Erie, known by the name of "the Connecticut Reserve."

Soon after these cessions were made, Congress passed an ordinance to sell and dispose of the ceded territory. Their first sale was a tract of two millions of acres, on either side of the Muskingum river, to a New England company represented by Sargent, Cutler, and others. Immediately thereafter, John Cleves Symmes, then Chief Justice of New Jersey, proposed to a number of his friends, most of whom had been officers in the Revolutionary army, to join him in purchasing a tract of two millions of acres, between the Miami rivers. They agreed to take limited interests in such a contract, provided a plan was devised for the management and disposal of it, which to them should appear safe and prudent. On that intimation, Mr. Symmes drew up a plan, which he submitted, and which, being approved of, he published in pamphlet form, entitled "Terms of sale and settlement of Miami Lands." [See Appendix A-B.] He then submitted a proposition to Congress, on the 29th of August, 1787, to purchase, for himself and associates, all the land lying between the Miami rivers, south of a line drawn due west from the western termination of the northern boundary of the grant to Sargent, Cutler & Co., on the same terms that had been granted to that Company, excepting only, that instead of two townships for the use of an University, only one might be assigned him for the use of an academy.

This application was referred to the Board of Treasury, to take order, [See Congress Journal, Vol. XII. page 150.] At the same time, he paid into the Treasury about eighty-two thousand dollars, the principal part of which had been advanced by his associates. His proposition having been accepted, and the first payment deposited, he did not wait

to close his contract by a formal instrument, duly executed, but immediately set out for the western country, with a view of exploring his purchase. Congress, on learning that fact, and recollecting the proposition which had been recently made, in some of the public prints, in New Jersey and elsewhere, on the subject of Western lands, became alarmed. It was intimated to them, that the object of the Judge was to get possession, and then set them at defiance. Under that impression, a resolution was offered, ordering Colonel Harmar, who was stationed with his regiment below Pittsburgh, to dispossess him, and directing the expense to be paid out of the money deposited, and the residue to be returned.

Fortunately, Doctor Boudinot and General Dayton, two of his associates, were in Congress at the time, and were able to make such explanations, as induced a withdrawal of the resolution, on their assurance that the contract should be executed, in due form, without unnecessary delay. To comply with that engagement, they dispatched Daniel Marsh, one of the associates, to go in pursuit of the Judge, and induce him to return, or to execute a power of attorney, authorising some of his friends to complete the contract for him. Mr. Marsh overtook him at Pittsburgh, preparing to descend the river. Without hesitation, he gave a letter of attorney, authorising his associates, Jonathan Dayton and Daniel Marsh, to execute the contract in such form as they might see proper. Mr. Marsh then returned, and the Judge proceeded to the Miami country.

As soon as the power of attorney was received, the agents consulted with their associates, and on their advice, executed a contract of three parts, on the 15th of October, 1788, between the Commissioners of the Board of Treasury, of the first part, Jonathan Dayton and Daniel Marsh, of the second part, and John C. Symmes and his associates, of the third part.

By that contract the quantity of land named in his propo-

sition to the Board of Treasury, was reduced to one million of acres; and the south boundary, instead of running from one Miami to the other, according to the first proposition, terminated at a point on the Ohio river, twenty miles above the mouth of the Big Miami, which on survey, was found to be within the limits of Cincinnati—thence northwardly, parallel with the general course of the Big Miami for quantity.

The contract contained a stipulation, that if Symmes, the party of the third part, should neglect or refuse to execute it, it should inure to the benefit of the parties of the second part, and their associates; who covenanted, in that case to perform it themselves. The price to be paid for the land was two-thirds of a dollar per acre, payable in certificates of debt due from the United States, worth at that time, five shillings in the pound.* The specie price of the land on that estimate was reduced to fifteen pence per acre. The interest due on the certificates, was not to be received in payment; but for that amount, new certificates denominated "Indents," were issued at the Treasury Department.

By one of the stipulations of the contract, the purchasers were at liberty to pay one-seventh part of the consideration in Military Land-warrants, issued by the United States, to the officers and soldiers of the Revolutionary War. They contracted to pay the consideration, in six equal semi-annual instalments, and on the payment of each instalment, they were entitled to receive a patent, for a proportionate part of the lands.

The personal interest Mr. Symmes was to have in the contract, is shown distinctly, in the plan of sale, adopted

* The ordinance for the sale of the public lands, under which the Muskingum and the Miami contracts were made, estimated their value at one dollar per acre; but as they were then offered in very large tracts, it contained a provision, that one-third of that sum should be deducted from the price to be charged, on account of bad land, and land covered with water; so that the price really paid, under those contracts, was two-thirds of a dollar, or five shillings Pennsylvania currency, per acre.

and published by him, in 1787. [See appendix B.] As is stated in that document, he set apart for his own use and benefit, the entire township, lying lowest down in the point, formed by the Ohio and Great Miami rivers, together with the three fractional townships lying west, and south, between it and those rivers; estimated to contain forty thousand acres. He stipulated to pay for those lands himself, and that the profit he might make on the sale of them, should be the only reward he would receive for his time and trouble, in attending to the business. That proposition was acquiesced in by his associates, and on the 2d of March following (1788,) he sold an undivided moiety, of his entire reservation to Elias Boudinot of Elizabethtown, New Jersey, at an advanced price, agreed on between them. [See Appendix, F.]

It was stipulated, that the associates should have the privilege of selecting, and locating as much of the residue of the purchase, as they saw proper to take, at the contract price, and the community at large, were invited to become associates, and avail themselves of that privilege. To induce them to do so without loss of time, it was stipulated that after the 1st day of May then next, the price of the land should be a dollar per acre; and that it would be still further increased, as the settlement of the country would justify: and it was expressly stipulated, that all the money received on those sales, above the Congressional price, should be deposited with the Register; and expended in opening roads, and erecting bridges, for the benefit of the settlement. It was also stipulated, that a Register should be appointed by the associates to superintend the location of the land, and to receive and apply the surplus money to the purposes before mentioned. This stipulation, however, was never performed—Mr. Symmes acted as Register himself—received all the money paid as well after, as before the augmentation of the price, and applied it to his own use.

The plan contained another provision, well calculated to hasten the settlement of the country, but which in consequence of the loose, vague terms in which it was couched, and the omission to appoint a Register, was one of the the most fruitful sources of litigation, in the early settlement of the Miami Purchase.

The provision referred to, is that which required every locator, within two years from the time of entering his location, to place himself or some other person on the land; or in some station of defence, and begin an improvement on every tract, if it could be done with safety, and to continue such improvement seven years, provided they were not disturbed by the Indians for that period; on the penalty of subjecting to forfeiture, one sixth part of each tract; which the Register was authorised to lay off, at the north east corner, in a regular square, and grant to any volunteer settler, who should first apply and perform what was required of the first locator.

Had the conditions on which those forfeitures depended, and the manner in which they were to be granted to volunteer settlers, been stated with clearness and precision, neither the wisdom of the project, nor the equity of the volunteer claimant, after he had performed the service, on which his title was to depend, would have been questioned; but the indefinite, confused, phraseology, used in the pamphlet, rendered it impossible to ascertain the meaning of the provision, and the omission to appoint a Register, to whom the power of granting forfeitures was to be exclusively confided, made it difficult, if not impossible, to carry it literally into effect. The consequence was, that it became doubtful whether on legal grounds, any of those claims could be maintained.

The prevailing impression on the public mind, was decidedly in their favor; and whenever the claimant could make out a plausible case, he was certain of success. When they first became a subject of litigation, an attempt

was made to induce the Court to apply to them the rigid principles, on which forfeitures were sustained. If they had done so, it was the better opinion, that there was not a forfeiture title in the Miami Purchase, which could have been maintained. The Court, however, declined to do so, and permitted the jury, in each case, to be governed by the apparent equity, which it presented.

For the convenience of those who desired to turn in Military Warrants, in payment of land, General Dayton was appointed to receive them; and subsequently the 3d entire range of townships was conveyed to him, in trust, for the persons to whom the Warrants belonged. From that circumstance it obtained the name of the Military Range.

As the contract with the Board of Treasury, required the purchasers to survey the tract into ranges, townships, and sections, at their own expense, a suitable number of surveyors were employed, by Judge Symmes, to accomplish that work; but, unfortunately, a plan was adopted, better calculated for economy, than for accuracy. At the commencement of the survey, the principal surveyor was directed, to run a line east and west, from one Miami river to the other, sufficiently north to avoid the bends of the Ohio, for a base line, on which he was directed to plant a stake at the termination of each mile. The assistant surveyors were then instructed to run meridian lines by the compass, from each of those stakes, and to plant a stake at the termination of each mile, for a section corner. The purchasers were then left to complete the survey, by running east and west lines, at their own expense, to connect those corners. By that defective plan of survey, scarcely two sections could be found in the Purchase, of the same shape, or of equal contents: some were too wide, others too narrow, and it may be doubted if there be one in the whole Purchase, the corresponding corners of which, either on the north, or the south side, are on the same east and west line. In some instances, the corner on one meridian

was found to be ten, twenty, and sometimes thirty rods, either north or south of the corresponding corner, on the other meridian. This irregularity was embarrassing, and was very much complained of. Three or four years afterwards, when many of the sections had been occupied and improved, the Judge adopted a plan to remedy that difficulty, which rendered confusion more confused. He ordered the meridian line, which formed the east boundary of the section, on which Cincinnati stands, to be carefully re-measured, and new stakes to be set up, at the termination of each mile. That line, he declared to be *the standard*, and directed purchasers and settlers to run lines east and west, from the new stakes, and to establish their corners at the points of intersection on the meridians. That plan, had it been persisted in, would have changed every original corner in the Purchase. Some of the purchasers pursued the directions of the Judge, and regulated their possessions by the new corners, established as above. It was soon found, experimentally, that the remedy was worse than the disease; but fortunately it was not long before the difficulty was settled by a decision of the Supreme Court of the State, confirming the old corners, on the ground, that the original survey had been made under the authority of an act of Congress, and accepted at the Treasury Department, and was therefore final and obligatory, and could not be altered by either party.

About the same time, a similar difficulty arose in regard to the boundaries of the Military Range, which had been conveyed to General Dayton, for the purposes before mentioned.* As the surveyors of Judge Symmes had not divi-

* Judge Symmes instructed his surveyors in running the meridians from his base line, which was three miles north of the southern boundary of the second Fractional Range, to place stakes for the corners of sections, for the distance of three Ranges, or eighteen miles, from the south boundary of the second Fractional Range, which would bring them to the south boundary of the third entire Range; and from thence to measure six miles, the width of

ded that range into sections, by planting stakes, as they did in other places, Mr. Ludlow was appointed by Mr. Dayton, to make the survey, and establish the section corners. The lines run by him, as boundaries of the Range, interfered, in some cases, with the corners previously made, but having been run by competent authority, they were confirmed by the Supreme Court, as far as they did not conflict with the survey previously made under the authority of Mr. Symmes, by virtue of the act of Congress.

As some of the sections were too large, and others too small, and as it had been ascertained, that the entire survey contained the quantity of land required to complete all the sections, Mr. Symmes, to do justice among the purchasers and to himself, established a general rule, that in all cases of a deficiency, he would pay to the purchasers, at the rate of four dollars per acre, for such deficiency, and that, where there was a surplus, the purchaser should pay for it, at the same rate. Although his right to establish this rule was not admitted, yet it seemed to be equitable, and was not complained of; probably, a lawyer would have taken the contract price, in each case, to ascertain the sum to be refunded, or received, as the case might be,

Although the contest about the old and new corners, has been judicially settled, yet they have occasionally given rise to litigation, since that time. In some cases it has been a matter of dispute, which of the two existing corners was the old original corner, and which the new one. In other cases, agreements had been made by the parties to establish corners for themselves, which produced litigation. But those causes of dispute seem to be exhausted.

About the year 1810, the mansion-house of Judge Symmes, at North Bend, one of the most spacious and commodious in the State, was destroyed by an incendiary. The Judge

the Military Range, without setting stakes. At the end of the sixth mile, on each meridian, they were directed to make corners, for the commencement of the fourth entire Range.

being absent at the time, most of the papers, maps, and books of entry, relating to the survey and sale of lands, in the purchase, were consumed, and it was apprehended, that very great difficulty and embarrassment would be produced by the loss. It was ascertained, however, that the principal book, containing the original locations, was in Cincinnati, where it had been taken, a short time before, to be used as evidence in court.

The original field notes of the survey were destroyed; but, fortunately, Judge Henderson and some other surveyors had taken copies with great care and accuracy, for their own convenience. Under the sanction of an act of the Legislature, those copies were procured, and their accuracy proved. They were then recorded, and by the authority of the act, were made legal evidence, in all cases to which they applied. By these means the apprehended mischief was in a great measure prevented.

Some difficulty, however, was experienced by the property holders in Cincinnati, owing to the plan adopted by the proprietors of the town, when it was first laid out. For their own convenience, they agreed to leave the legal title to the town section and fraction, in Mr. Symmes, who undertook to make deeds to the purchasers of lots, on the presentation of certificates, signed by any two of the proprietors. Those certificates, which were indispensably necessary to give validity to the deeds executed by the trustee, were left in his hands, and were consumed with his house. It was understood, that in some cases, certificates had been irregularly and fraudulently obtained; and also, that deeds had been made to assignees, on assignments alledged to be fraudulent.

In some of these cases allegations of that nature were made, by the original holders, who denied the assignments to be genuine, alledging, that if they existed, they were forgeries. It also became impossible to ascertain whether all the deeds, given for lots in the town, had been author-

ised by the proprietors; but, whatever the facts might have been, in reference to those matters, the loss of the certificates precluded all investigation, and operated as a *quictus* to the claimants in possession.

Soon after the conflagration, suspicion rested on a man residing near the Bend, by the name of Hart, who was known to be a violent enemy of Mr. Symmes. He was arrested, indicted, and put on his trial; and although the evidence in the case produced conviction of his guilt, on the minds of nine-tenths of the crowd of by-standers, who heard it, he was acquitted by the jury.

The contract, executed by the agents of Judge Symmes, in October, 1788, required the payment of the purchase money to be completed, within three years, after the boundary lines of the entire tract had been surveyed, and plainly marked by the geographer of the United States, or other person appointed for that purpose. That survey must have been made in the fall of 1788, or early in the spring of 1789. In either case, the last instalment must have been due early in 1792. At that time, only the first, and part of the second, had been paid; and the contract, of course, was liable to forfeiture.

In addition to this, the eastern boundary of the Purchase commenced on the Ohio river, at a point, twenty miles above the mouth of the Big Miami, which was within the limits of Cincinnati, and ran from thence north, parallel with the general course of the Big Miami, for quantity. [See Appendix, C.] Mr. Symmes had, however, sold the principal part of the land between that line and the Little Miami. In order to obtain relief from those embarrassing difficulties, he petitioned Congress, in the spring of 1792, to alter his contract, in such manner, that it should extend from one Miami to the other, and be bounded on the south by the Ohio, on the east and west, by the Miami rivers, and on the north, by a parallel of latitude, so run as to include the quantity.

The prayer of that petition was granted, and a law was passed authorising the alteration to be made, by which a large number of meritorious purchasers were secured in the quiet possession of their lands and improvements. The law, however, made a reservation of fifteen acres, contiguous to Fort Washington, and extending to the Ohio river, for the accommodation of the garrison.*

That object being secured, Mr. Symmes presented another petition praying for the passage of a law, authorising the President of the United States to grant him a patent for as much of the land, contained in his contract, as he might then be able to pay for. That application was also granted, and a law to that effect was passed on the 5th of May.

In 1794, the Judge repaired to Philadelphia, and, on a settlement with the Treasury Department, it was ascertained that he had paid for two hundred and forty-eight thousand five hundred and forty acres of land, for which he obtained a patent in September 1794. But as the same law of 1792, contained a provision authorising the President to grant a College township for the use of the Miami Purchase, although the right to such a grant had been lost,

* By the act of Congress, of April, 1792, defining the boundaries of the grant to Judge Symmes, and his associates, the President was authorised to reserve to the United States, such lands, at and near Fort Washington, as he might think necessary for the accommodation of the garrison, at that fort.

In the patent, made in pursuance of the act of May, 1792, the President reserved a tract of fifteen acres, including Fort Washington, for the accommodation of its garrison. He also reserved a tract of land, at or near the mouth of the Big Miami, equal to one mile square, to be located as should thereafter be directed. This last reservation was made on a proviso, that Congress passed a law approving of it, within two years; in which case the reservation of fifteen acres at Fort Washington, was to be relinquished to Mr. Symmes, and his associates. But after mature deliberation, it was determined to retain the fifteen acres, as most useful to the government. In consequence of which, the law mentioned in the patent, was not passed, and the tract of a mile square, at the mouth of the Big Miami, reverted to Mr. Symmes and his associates.

in consequence of reducing the purchase, from two millions of acres, to one million, by the contract of 1788: and as that township, together with the reserved sections, were included in the same patent; the boundaries described in it contained three hundred and eleven thousand six hundred and eighty-two acres.

The draft of the patent, prepared by General Hamilton, Secretary of the Treasury, was objected to by Mr. Symmes, because it did not convey the land to him alone, but to him and his associates. The Secretary refused to alter it, and an appeal was made to the President. On examination, he found that the patent was in strict conformity with the contract, and the act of Congress, on which it was founded. He therefore refused to interfere, and eventually the patent was accepted, as it had been prepared by General Hamilton. This difficulty being over, Mr. Symmes returned to the Miami, and commenced the issuing of deeds. Prior to that period his vendees held no other evidence of right than the original warrants received at the time of purchase.

In the estimation of Congress those transactions terminated the contract of 1788, though it was neither formally released nor canceled. That omission left it *prima facie* in full force; and induced Mr. Symmes to believe, that he would be entitled to a farther fulfilment of it, on his making future payments.

The northern boundary of the patent extended only a few miles above the Military Range; in consequence of which, a large quantity of land, previously sold by Mr. Symmes, was not included in it, and not only so, but on his return from Philadelphia, he continued to sell, beyond the limits of his patent, as he had done before, confidently expecting to obtain a further grant, on making further payments to government. In the mean time doubts were entertained as to the validity of his right to make those sales. Rumors were afloat which rendered the purchasers

uneasy; they began to fear for their safety, and insisted that Mr. Symmes should take measures for their security.

They had paid large sums of money, in the purchase and improvement of their farms, and were apprehensive that it might all be lost. Some of them proposed to make a direct application to Congress for relief, but Mr. Symmes dissuaded them from that measure, lest it might defeat the claim he was about to set up, for the complete fulfilment of his contract. Finding that he could not pacify them any longer, he concluded to go to Philadelphia; and in the fall of 1796, after the adjournment of the General Court, at Marietta, he proceeded on his journey, accompanied by the writer of this narrative, who went on a visit to his friends, in Newark and New York, and who had an interest in the success of the application.*

* As they did not arrive at Philadelphia until a few days before the first Monday in December, when President Washington was to deliver his last official address to the two Houses of Congress, Mr. Burnet, who had been present at his first inauguration, in New York, in 1789, determined to remain in the city for the purpose of being present on the interesting occasion, which was then at hand. Being personally acquainted with several members of Congress, he found no difficulty in being introduced into the hall in company with them, and of course in time to obtain a convenient position in front of the Speaker's chair.

Soon after the members of Congress were seated, the President, accompanied by the Cabinet and his Private Secretary, entered the hall, preceded by a Committee of Congress, by whom he was conducted to the Speaker's chair. He was dressed in a suit of rich black velvet, with black silk stockings and large shoe-buckles and knee-buckles. According to the fashion of the day, his hair was combed back from his forehead — powdered — curled at his temples, and gathered behind in a square black silk bag suspended between his shoulders. A neat dress-sword hung at his left side. The moment he took his seat every eye in the hall was directed to, and apparently riveted on him; and, although the house was crowded to suffocation, it was as still as the grave. Every individual of the multitude was manifestly afraid to move, lest he might disturb the solemnity of the scene.

After sitting eight or ten minutes, the President arose, and bowing first to the members of Congress who were immediately before him, and then to the surrounding multitude, proceeded to deliver his address, which was written and open before him, though he scarcely found it necessary to look at it, at

The Judge spent the winter and spring in fruitless efforts to induce the government to receive his money, and make him a further grant. They, however, assumed the ground, that the arrangement under the law of 1792, was a final adjustment of all his claims—that the whole contract had been forfeited for non-payment, anterior to the law of 1792, and might, at that time, have been so declared. They alledged that a formal release, under those circumstances, was not necessary, as the forfeiture of the contract was apparent on the face of it. Finding that there was not the most distant hope of success, he abandoned his claim, in despair; leaving the purchasers, whose lands were not covered by the patent, to seek the best remedy in their power.

The situation of those disappointed men, was distressing. Many of them had paid for their land in full, and all them in part. They had also expended considerable sums of money, and some years of labor in clearing and improving them. Thus situated, they found themselves completely at the mercy of the government; liable to be dispossessed at any moment. Memorials were presented to Congress, representing their grievances, and praying for relief; and in 1799, an act was passed in their favor, which secured to them and to all other persons, who had made written contracts with John C. Symmes, prior to the 1st of April, 1799, and

any time during the delivery. He spoke with great deliberation and with considerable emphasis. The intonation of his voice was solemn, and all his movements and gestures were dignified, but easy and graceful. The expression of his countenance, together with his manner and general deportment, produced on the feelings of the audience the same deep, indescribable effect that had been so often noticed, and spoken of on former occasions.

After the address was closed, the multitude, evidently unwilling to retire, remained in their places gazing on the object of their veneration and love; and it was with much difficulty that a passage could be made sufficient to enable the President and his suite to reach their carriages; and after that object was accomplished, the crowd in the street was so dense and extended to such a distance that it was some hours before they were enabled to make their way through them.

whose lands were not comprehended in his patent, a preference over all other purchasers, at two dollars per acre..

In 1801, the right of pre-emption was extended to all persons, who had purchased prior to the 1st of January, 1800; and afterwards Congress continued to indulge them, from year to year; till they were all enabled to complete their payments, and secure their titles.

Without expressing any opinion, on the merits of Mr. Symmes' claim under his contract of 1788, there is no doubt of the fact, that he candidly, and honestly believed, he was entitled to its fulfilment, and had a right to continue his sales, as he had done: and judging from appearances, he never despaired of ultimate success; till he was finally repulsed, in the winter of 1796-7.

Prior to that time, in addition to the sales before referred to, he had granted to individuals and companies, pre-emption rights to large tracts; in consideration of their assuming to pay the original contract price, to the government. The grantees of these pre-emptions, sold out at an advance in small tracts to others; who also engaged to pay the Government price, assumed by their vendors, whenever called for. In this way, a large portion of the tract of a million of acres, contracted for by Mr. Symmes, in 1788, had passed from him and was claimed by others; many of whom were in possession, residing on, and improving the land. Several towns had been laid out and settled—mills had been built, and orchards planted, and for miles north of the patent line, the country was as thickly settled, and as well improved, as it was generally within the patent.

From this view of the case, the vast importance of those pre-emption laws may be seen. By their operation, some hundreds of families were saved from ruin, and made independent and happy. The extension of the right, by the law of 1801, to all who had purchased, prior to the 1st of January, 1800, embraced the whole of those unfortunate people, and enabled every one of them, to save himself:

and the extension of credit which Congress gave, from time to time, by subsequent laws, was so liberal, that some of them were able to pay their instalments, from the product of their farms.

As the facts relating to the College township, mentioned in the original proposition of Judge Symmes to Congress, are not generally known, or understood, it may be proper here to state them concisely.

The ordinance under which the early sales of the public domain were made, did not authorise a grant of College lands, to purchasers of a less quantity than two millions of acres. The original proposition of Mr. Symmes, being for that quantity, would have entitled him to the benefit of the grant, had it been carried into effect. It was therefore stated in his pamphlet, containing the terms of sale and settlement, that a College township had been given, and located as nearly opposite the mouth of Licking river, as an entire township could be found, eligible in point of soil and situation. The selection of that township, was made in good faith, on one of the best tracts in the Purchase; and was marked on his map as the College township. It was situate opposite the mouth of Licking, and was reserved from sale for the purpose intended, until it was ascertained, that the agents appointed to close the contract with government, under the powers given in the letter of attorney, had relinquished one half of the quantity, proposed to be purchased by Mr. Symmes; and as a matter of course, had relinquished also his claim to a College township. After that relinquishment, he erased the entry made on that township, on his map, as he had a right to do; and offered it for sale. As it was one of the best in the Purchase, it was soon entirely disposed of. The matter remained in that situation, till 1792, when the Judge applied to Congress, as is stated above, to change the boundaries of his purchase, and grant him a patent, for as much land as he was then able to pay for. When the bill for that purpose was before Congress, Gen.

Dayton, the agent of Mr. Symmes, and then a very influential member of the House, introduced a section, authorising the President to convey to Mr. Symmes and his associates, one entire township, in trust, for the purpose of establishing an Academy, and other schools of learning, conformably to the ordinance of Congress of 2d of October, 1787; to be located, with the approbation of the Governor, for the time being, of the Territory North-west of the river Ohio, within the term of five years, as nearly as may be, in the centre of the tract of land, granted by the patent. [See Appendix, D.]

The fact was, that under that ordinance, the right to the township had been lost, by relinquishing half the quantity of his proposed purchase: yet, from some cause, either from a want of correct information, or a disposition to be generous, the provision was retained, and became a part of the law. At that time, there was not an entire township in the Purchase, undisposed of; portions of each and all of them had been sold by Mr. Symmes, after his right to College lands had been lost, and before the law of 1792 had renewed the claim. It was not, therefore, in his power to make the appropriation required.

The matter remained in that situation, till the first Territorial Legislature was elected in 1799. Mr. Symmes, then feeling the embarrassment of his situation, and aware that the subject would be taken up by that body, made a written proposition to the Governor of the Territory, offering the second township of the second Fractional Range, for the purposes of a College. The Governor, on examination, found that Mr. Symmes had sold an undivided moiety of that township, for a valuable consideration, in 1788, four years before the right to a College township existed; that the purchaser had filed a bill, in the Circuit Court of the United States, for the district of Pennsylvania, to obtain a specific performance of his contract: and that the Judge had also sold small portions of the same township to other persons, who then held written contracts for the same in

the form of deeds. As a matter of course, the township was rejected by the Governor. [See Appendix E, 1, 2, 3.]

Soon after that occurrence, the subject was brought before the Territorial Legislature, at the instance of Mr. Symmes, who repeated the offer to them. They also refused to receive it, for the same reasons which had been assigned by the Governor, as appears from the journal of that body. A similar refusal, for the same reasons, was subsequently made by the State Legislature, to whom it was again offered by the Judge. Not satisfied with these repeated refusals, in 1802-3, he offered the same township to Congress for the same purpose. His proposition was referred to a committee of that body, who, after hearing his own *ex parte* statement of the facts, relating to the township, were fully satisfied, that it could not be held, for the purpose for which it was offered; and therefore they also refused to receive it.

It was affirmed in the written communication of Judge Symmes, to Congress, very correctly, that the Miami Purchase did not obtain a right to College lands, till the law of 1792 was passed; that prior to that time, he had sold large portions of every township in his Purchase, as he had a right to do; that the township he then offered, *had not been reserved for a College, but to be sold and disposed of, for his own personal benefit; and that he had sold large portions of it as early as 1788, but that those sales, in his opinion, were void.* [See Appendix, F, G.]

Some persons had the charity to believe, that when he first proposed that township, for the use of a College, it was his intention to purchase out the claimants, which he probably might have done, at the time the law passed, making the grant, on fair and reasonable terms; but he omitted to do so, till that arrangement became impracticable, and until his embarrassments rendered it impossible for him to make any remuneration to Congress, or the people of the Miami Purchase.

The delegates representing the Territory in Congress, were instructed from time to time, to exert their influence to induce the government to grant a township, in lieu of the one which had been lost; but nothing effectual was accomplished, until the establishment of a State government, in 1802-3, when a law was passed by Congress, vesting in the Legislature of Ohio a quantity of land, equal to one entire township, to be located under their direction, for the purpose of establishing a College or an Academy, in lieu of the township already granted, for the same purpose, by the act entitled "An act authorising the grant and conveyance of certain lands to John C. Symmes and his associates."

In April, 1803, the Legislature of Ohio passed an act, appointing Jacob White, Jeremiah Morrow, and William Ludlow, Commissioners to locate the College lands, amounting to thirty-six sections; by virtue of which they selected and located them, as they are now held by the Miami University. In consequence of the numerous sales that had been made in the Miami Purchase, the College lands were, from necessity, located west of the Big Miami river, without the limits of the Miami Purchase.

In February, 1809, the Legislature passed a law, containing the following provision, to wit: "There shall be an University established and instituted, in manner hereafter to be directed, within that part of the country known by the name of John Cleves Symmes' Purchase; which University shall be designated by the name and style of the Miami University." The act then proceeded to describe the powers and duties of the corporation, and to appoint trustees, etc.; it then made a formal grant of all the land vested in them by Congress, for the use of the Miami Purchase, to the corporation created by that act, and their successors forever, for the sole use and benefit of the said University.

The 17th section appointed Alexander Campbell, the

Reverend James Killburn, and the Reverend Robert Wilson, Commissioners, to fix on the place for the permanent seat of the University, *in such part of John C. Symmes' Purchase*, as an eligible place could be found, paying regard to health, etc.

The 18th section directed the first meeting of the corporation to be at Lebanon, in the county of Warren. At the time appointed for the meeting of the Commissioners, the Reverend Doctor Wilson was detained at home by sickness in his family. The other Commissioners, his colleagues, attended, and after having examined all the places presented for their consideration, including Cincinnati, Dayton, and Lebanon, they selected the town of Lebanon, in the county of Warren, as the seat of the University, and made their report accordingly to the Legislature.

It was then generally understood, that the seat of the institution was unalterably fixed, although the citizens of other places, who had failed in their applications, were greatly disappointed. But at the next session of the Legislature, a proposition was made by Mr. Cooper, of Dayton, to establish the University on the College lands, without the limits of Symmes' Purchase. This proposition was objected to, on various grounds. It was contended, that the donation was originally made to the people of the Miami Purchase, for their exclusive benefit—that the patent of 1792, granted the township for the sole intent and purpose of erecting and establishing, *within that Purchase*, an Academy, etc., that the law, subsequently passed in 1803, vested the land in the Legislature, for the purpose of an Academy, in lieu of the township already granted for the same purpose.

It was further contended, that by the law of 1809, the Legislature had established a University, *within the limits of John C. Symmes' Purchase*, and had granted the fee of the land, to the Trustees of that institution, for its sole and

exclusive benefit—that they had thus executed their trust, and exhausted their power, and that they could not revoke that grant, or apply the fund to another institution, established *without* the Miami Purchase. The Legislature, however, thought differently, and passed an act establishing the University on the land, without the limits of John C. Symmes' Purchase. That institution is now in a very flourishing state, and although the original beneficiaries of the grant have been wrongfully deprived of their rights, yet it is now too late to relieve them, without great temporary injury to the cause of science, and on that account it is desirable that no effort be made to disturb the institution, or to check its advance.

CHAPTER XXIV.

Ancient artificial structures in Cincinnati.—Articles found in them.—Perpetuation of vegetable productions.—Alluvial deposit at Cincinnati.—How produced.—Note.—Reflections on the Mosiac account of creation.—Probable change in the course of the Big Miami.—How produced.—Navigation of the Mississippi river.—Intrigues with the Spanish officers.—The territory of Mississippi established.—Introduction of American Courts.—Suits at law multiply.—Practice profitable.

THE mounds and other artificial structures, found throughout the Western country, have excited so much attention, and given rise to so many speculations; that it may be of some interest to give a concise account of those which were standing within the limits of Cincinnati, in 1796.

The improvements made in the village, at that early period, were trifling. The surface of the ground had been scarcely disturbed, by the small number of temporary buildings, which had been constructed for immediate use; and the ancient works referred to, were in a perfect state of preservation; only depressed in height, by the natural causes, which had been operating for ages, to wash and wear them down.

Within the limits of the village, there were two large circles, one on the eastern boundary of the town, which extended to Eastern Row, a two-pole alley, since widened and called Broadway; and the other near the centre of the plat. They were constructed with great exactness, and were about six hundred feet in diameter. The earth which composed them, had been manifestly brought from some distance, or taken evenly from the surrounding surface, and

had been gradually washed down, during a succession of ages; yet the apex of the one most central, was twelve or fifteen feet above the level of its base, which had been greatly widened by abrasion. They were on the upper level of the town plat, and did not approach nearer the brink of it than four hundred feet.

Near the western boundary of the village, there stood a conical mound of great beauty, about fifty feet high, constructed with great exactness, and standing on a base unusually small, compared with its height. When General Wayne's army was encamped at Hobson's Choice,* he had a sentry-box on the top of it, which gave a view of the entire plain. In the same neighborhood, three smaller mounds were standing, which were found on examination to contain human bones, as is the case in regard to most of them. There was also one of a medium size, compared with the others, standing on the brow of the hill, about midway between the circles, and in advance of them about three hundred feet. It was on the eastern boundary line of Main street, and as that street was from time to time, dug down and graded, for the convenience of travelling, the mound was gradually precipitated into it, and has been entirely removed many years ago.

While that process was going on, many articles were found, some of which were of an interesting character, and were most probably deposited in it, after the country had

* On the arrival of General Wayne, at Cincinnati, with the troops from Legionville, late in 1793, he ordered the Quartermaster, with two or three of his officers, to make a careful examination of the grounds adjoining the town, and select the most eligible spot for the construction of an encampment. After a careful execution of the order, they reported that there was no situation near the town, on which the army could be conveniently encamped; and that the only ground, which was in any degree calculated for the purpose, was on the river bank, between the village and Millcreek. The General replied, "If that be so, we have Hobson's choice, and must take it." From that expression, the place selected was immediately called Hobson's Choice, and has been known by that name ever since.

been visited by Europeans. Among them were marine shells and pieces of hard brown earthenware. A small image of a female, supposed to be the Virgin Mary, holding an infant in her arms, finely wrought in ivory, which had been somewhat mutilated, was also found. A small complex instrument of iron, much corroded, and supposed by some, to have been intended to ascertain the weight of light articles, was discovered. The skeleton of a man was also found, contained in what might be called a coffin of flat stones, so placed, as to protect the body on every side, from the pressure of the earth. This grave was only a few feet below the upper surface of the barrow.

In the year 1802, a well was dug within the central circle above described, in which at the depth of ninety-three feet, two stumps were found, one about a foot, and the other about eighteen inches in diameter, concerning which, many exaggerated statements have appeared in print, at different times, professing to describe their appearance, and the condition in which they were when first discovered. One writer stated that they had evidently been cut down by a metallic instrument—that the marks of an axe were visible, and that chips were found near them, in a state of preservation. Another said, that iron rust was seen on them, and a third, that an axe was found near by. Neither of these accounts was true. It is a fact that the stumps were found at the depth stated; and that when discovered, they were standing in the position in which they grew. Their roots were yet sound, and extended from them, horizontally and regularly in every direction. Their tops had decayed, and mouldered to earth, so that no opinion could be formed as to the means by which the trunks had been severed. The surface of the earth over the place where they were found, was ninety-three feet above them, and one hundred and twelve feet above the present low water mark of the Ohio river. They could not have been brought there by a current of water, because their upright position, and the reg-

ular horizontal extension of their roots, in all directions, proved that they must have grown on the spot where they were found.

There is another fact connected with this subject, worthy of notice. Before the well was dug, not a mulberry tree had been seen growing on the premises, though they were found in the neighboring forest, yet the next season, they sprang up wherever the excavated earth had been spread, in such numbers as made it necessary to destroy them, and they continued thus to shoot up for a year or two; though not one made its appearance on the remote parts of the lot, to which the excavated earth had not been carried.

This fact produced a belief that one of them must have been the stump of a mulberry, and gave rise to some speculation, as to the physical cause of the reproduction of trees, which led to an examination of the Mosaic account of creation, to ascertain what light it might cast on the subject.*

* When the reader has examined the chapter referred to, for the purpose of ascertaining what the inspired writer has stated, in regard to the formation of the earth, and its vegetable productions, and the provision made for reproducing them, and perpetuating their existence; if he will pause, and review the residue of the verses, he will find a beauty pervading the whole, in perfect keeping with the sublimity of the subject. The substance of the first mandate uttered by the Deity, at the beginning of creation, clothed in the most simple language, is what writers of taste in all ages, have called the true sublime. Longinus, the learned critic and statesman, of Palmyra, quoted the passage as a most striking specimen of that style of writing.

It is admitted by those who believe in the verity of the Scriptures, that the facts recorded throughout the chapter, were inspired: and a lover of the sublime, might persuade himself, that the language in which they are expressed was also inspired. While studying this chapter, it should be borne in mind, that although the Egyptians had made considerable advances in the science of astronomy, in the days of Moses, who was instructed in all their literature, yet, compared with subsequent discoveries, that science was in its infancy. The most cultivated of the human family, knew but little of the heavenly bodies, or of the influences which keep them in their places and regulate their movements. The laws of gravity and attraction were unknown; the power which these laws gave to the sun, over the solar system, they did not under-

The inspired historian tells us, that on the third day, God said, "Let the earth bring forth grass, the herb yielding seed, and the fruit tree yielding fruit, after his kind, whose seed is in itself." On this concise statement the

stand, nor did they understand the influence, which the heavenly bodies exert on each other.

It was not deemed expedient, to inspire Moses with a knowledge of astronomy, although with the limited skill he possessed, on that subject, it was not possible to record the facts, as a master in the science might have done. He has therefore given them in the concise, simple, but beautiful language in which we find them. The process is stated, as far as he could comprehend it, but he does not attempt to explain, or describe the mutations, which matter underwent, in the process of passing from chaos, to the organized state in which it now appears.

It is very manifest, that during the process, the particles of light scattered through chaos were collected—earth and water were separated—a firmament was produced—an atmosphere made—the planets brought into form and set in motion; and a new system of worlds, planted in space; yet no intelligible explanation is given of the process, by which these results were brought about. Why was it so? Simply because it seemed good in the sight of the Almighty, to confine his revelation to the naked fact, that, by his own power, he created and organized our system, by progressive movements, in the space of six days.

The chief object of Deity, in making the revelation, seems to have been, to give publicity to the great truth, that he alone created the heavens and the earth, and formed and fashioned them, by his own power, after the counsel of his own will. This being proclaimed and known, the object of the revelation was accomplished. Moses was neither commanded, nor inspired, to instruct the world in philosophy or astronomy. The object of his revelation was of a different character. It was to convince men of the majesty and power of their Creator; not to enlighten them, as to the means by which he accomplishes his purposes—it was to reach the heart rather than the head, and to hold men in their allegiance to heaven, by the influence of admiration, as well as of fear.

In the first two verses of the chapter, the chaotic mass out of which the solar system was organized, is described as it was, when the work of organization commenced. The terms used, are well selected to represent a confused mixture of all the varieties of matter, found in the solar system. It was said to be without form and void—it was called a deep, and is spoken of as waters covered with darkness, terms which properly apply to chaotic, nebulous, unorganized matter. This matter, occupying the entire space, through which the planets revolve, and extending, probably, to an immense distance beyond the orbit of the most remote of them, was the material of which the solar system was composed.

The expressions used indicate, that the matter spoken of had been created

question arises, how far does it account for the facts mentioned above? It may be presumed, that when the vegetable productions of the earth were made, the Creator ordained the means, or the law, by which they were to be

anterior to the commencement of the work of creation, described as having been finished in six days. The terms employed are not susceptible of any other interpretation. They affirm that "in the beginning, God created the heaven and the earth"—they describe the condition of that primitive creation, before and at the time, the Spirit moved upon it; and, as that movement preceded, in point of time, the commencement of the work of creation, stated in the verses following, the matter, on the face of which it was made, must also have preceded it.

These two verses seem intended to show, what the Creator had done in the beginning; but when the beginning was, we are not informed. It might have been myriads of ages, before our system was organized, possibly from all eternity. Be this as it may, the inspired pen, which made the record, has written it down in terms not to be mistaken; that the matter composing this system, was created, and in existence, before the system itself was arranged.

Moses, having given a description of the matter created in the beginning, proceeds to recite, what portion of the work of creation was accomplished, on each of the six consecutive days. On the first, he tells us, the Spirit of God moved on the face of the waters; and the command was given, "Let there be light." That command was obeyed. Light was produced, and called Day—darkness was separated from it, and was called Night. The inspired writer then informs us, that the evening and the morning were the first day.

The conclusion to be drawn from this statement is, that the formation of the Sun was completed during the first day, and that before the commencement of its organization, the particles which compose it, were diffused throughout the entire mass of matter, from which it was formed. On this supposition, the command of the Deity might have been literally obeyed, by any process, which would collect the particles of light from all directions, into one body at the centre of chaos; nor would it be inconsistent with the narrative, if that process should have been carried on gradually, by the operation of laws, impressed on matter at its creation, for the very purpose of producing that result. But whether this hypothesis be sustained or not, it is certain that the Sun, the source of light, was completed by some process, in the first of the six periods denominated days.

It cannot be a matter of great moment, what the duration of that period was, for with the Deity, "one day is as a thousand years, and a thousand years as one day." The command might have been instantly obeyed; the particles which compose that body, might have moved, at once, to the centre of chaos, now the centre of the solar system; and it might have been formed in a moment, and might instantly have thrown out its light upon the surrounding

reproduced and perpetuated; and it would seem that those means ought to be found in this extract, though it may be difficult or even impossible to comprehend them, or the manner in which they operate.

darkness. The text will bear that construction, and, irrespective of knowledge derived from geological research, and from other sources, perhaps no expositor of the Bible would feel disposed to give it any other interpretation; but yet it is difficult to find a reason, why it may not receive a different one, with equal propriety, and in perfect consistence with the verity and fidelity of the revelation.

In the Almighty mind there is no division of time—no present, past and to come—it is one unceasing now—all portions of duration are as points, whether days or years, or thousands of years. He might have created the system in a moment—in the twinkling of an eye—without intermediate agencies, as well as to have done it in six days; but he chose not to do so. He saw proper to make it a progressive work, and to complete it in different, successive periods, the duration of which would seem to be a matter of but little moment, while the truth of the narrative is acknowledged and believed.

The purposes of the revelation are equally gained, whether the days spoken of be considered as periods of twenty-four hours, or of much longer duration. On the first supposition, there is a difficulty to encounter. The evening and the morning had completed the first and the second day, before the earth was formed, or could have made a revolution on its axis, by which our days are known and measured. Of course, three of those periods must have passed, before that measurement of time existed. How, then, could there be an evening and a morning constituting a day, as we understand that term, till the sun was created, and the earth put in motion in its orbit and around its axis?

He who contends for the literal meaning of the word day, used in this chapter, and insists, that it must mean a period of twenty-four hours, and no more, should pause and reflect, whether it does not arm the enemies of revelation with a weapon not easily to be parried. How would the friends of the Bible succeed in defending it against the attacks of infidelity, if they were to maintain the rule of literal interpretation throughout? Large portions of it are necessarily admitted to be figurative, and receive all their application and force from that admission.

What would be the interpretation of the seventy weeks of Daniel, if the term week were to be taken in its literal meaning? All commentators agree that in that connection it means a much longer period than the word expresses, according to its popular acceptance. Why, then, should the same rule of interpretation be rejected, in the present case, and these difficulties be encountered, when they may be so easily and naturally avoided? If this license can be taken, the work of creation may have been completed, in the order recited by Moses, by the operation of laws ordained by the Almighty, calculated to pro-

It appears to be a reasonable conjecture that each variety of tree and plant, was originally endued with some active principle or virtue, peculiar to itself, which, when communicated to the earth, and exposed to the action of heat, air,

duce the results he intended, and which were in fact produced, in obedience to his will. This hypothesis does not infringe on the verity of the Mosaic account; and most certainly, it does not detract from the infinite power of the Creator. It rather gives a more exalted, as it does a more intellectual idea, of his majesty and glory.

There is something sublime in the contemplation of such a union of power and wisdom, as must be brought into exercise by a being, who ordains laws, operating silently through all space, producing in exact accordance with his will, and in the precise time intended, such stupendous results as we see displayed in our planetary system. The fact that these laws accomplished the purpose of him who ordained them, by slow progressive action, so as to consummate the intended results in the course of many ages, detracts nothing from the power and wisdom of their divine author. On the contrary, it rather exalts and magnifies both.

As far as the attributes of the Divine character are concerned, the production of these results, by the influence of laws operating for unknown ages, and formed with such precision as to produce in the end the exact result predetermined by their author, must, if such a thing be possible, excel the glory of speaking them into being instantaneously.

There is a grandeur in the conception of such an immense mass of chaotic matter, as Moses describes, filling the vast space occupied by the solar system, first created out of nothing, and then reduced to order and beauty by the silent action of laws devised for the purpose.

The means by which the Creator saw proper to organize the heavenly bodies—place them in their orbits, and perpetuate their movements, were of his own choosing. All that is here contended for is, that his attributes are equally illustrated in the work of creation, whether he accomplished it instantaneously, by the power of his word, or brought it about in process of time, by intermediate causes.

When the command was given, "Let there be light," might not the laws of attraction and gravity, or some other law ordained by the Deity, either discovered by philosophy already, or yet to be discovered, have begun the process of obeying the mandate, by causing the particles which compose the sun to move from all parts of chaos to its centre, and there form that glorious orb? If this had been the process, no attribute of the Creator would have been diminished by the duration of the period in which it was accomplished.

The discoveries of geological research favor this hypothesis. The examination of the surface and interior of the globe, as far as it has been seen, presents to the eye remains of the varieties of organized matter, noticed by the sacred

and moisture, operates as the germinating cause, indicated by the phraseology of the quotation; and that this agent, be it what it may, can exist unimpaired in a dormant state, for an indefinite period, if it be kept from the direct influence of the sun and air.

It should be borne in mind, that, when the town of Cincinnati was laid out, the forest presented evidence that the surface of the earth had not undergone any material change, for many centuries; as it exhibited the remains of trees, which had matured, fallen, and decayed, by the side of others still flourishing, and giving evidence that they had been growing hundreds of years. The stumps must, therefore, have been in the situation in which they were found, to wit, ninety-three feet below the surface of the earth, during an equal period; and yet when the earth about their roots was raised, and scattered over the surface

historian, affording indications, by their relative position, that they were formed in the order stated by him; but they indicate also, that the period occupied in their formation must have exceeded, very much, the short duration of a day, or a revolution of the earth on its axis.

At the close of the fourth day, the system was finished, and every planet was moving harmoniously in its orbit, around a common centre. It has been admitted by divines that when the movement of these bodies had commenced, the Deity suspended the exercise of his direct power, to continue their motion, and left them to be moved and guided by the laws to which he had subjected them. If this be admitted, the difficulty seems to be removed; for it will not be said, that the laws which preserve and regulate the movements of the whole universe, could not have been employed to organize and put in motion a single system belonging to it. There is nothing, then, irreverent or unscriptural in the suggestion, that when the Deity created matter, he impressed on it laws calculated to bring it into order and system, and so constituted as to accomplish their purpose, in a succession of ages.

Our limited minds are not able to comprehend the movements of the Almighty. Though we are told of his attributes, we cannot realize them; and although the creation of our world, and the system of which it is a part, has been revealed by an inspired pen, how much of the detail can we understand? The powers of the narrator were too feeble to apprehend, or explain the *modus operandi* of omnipotence, in the stupendous work of creation. He tells us that God commanded, and it was done; but how, or in what manner, the mandate was executed, he was unable to explain.

of the ground, where no mulberry tree existed, young mulberries sprang up in great numbers.

This fact seems to prove that the earth, which had been taken from the well, and spread over the surface of the ground, contained the germinating principle which caused the young mulberries to grow; and may it not be inferred, from this case, that the earth about the roots of every tree, becomes impregnated in the same way, and if suddenly covered, so as to exclude the action of light and heat, may retain its reproducing power for centuries; and when afterwards, uncovered and brought to the surface of the ground, may produce the same kind of tree which formerly overshadowed and communicated to it, its power? It is not intended here to assert, that this hypothesis accounts for the facts stated, but merely to say that it may do so, without conflicting with reason, or the scriptural record of the creation.

About the time referred to, Mr. Daniel Symmes, when digging a well in the eastern part of the town, found a log of wood, in a sound condition, at the depth of twenty-four feet below the surface. This was also on the upper level, but in the vicinity of Deer creek, where the surface of the ground is much lower than it is farther west, being only at that point eighty-one feet above low water mark. Similar discoveries have been made in almost every part of the town plat; and in so many instances as to establish the fact, most conclusively, that the site of Cincinnati is alluvial, and that the surface of the earth on which it stands, was once very far below its present elevation.

The certainty of this assumption presents another very interesting question, which has not yet received a satisfactory answer. From whence, and by what agency, was this alluvium brought to the place it now occupies? Did it come from the immediate neighborhood, or from a distance? To aid in the solution of this question, it may be stated, that the place where it is now deposited, is washed on the

south by the Ohio river; and that on the east, north, and west, except at the gap through which Mill creek passes, it is enclosed by very high hills, of limestone formation, so connected with the adjoining lands as to show that they have not undergone any great, sudden alteration, since the Deluge; when they were probably formed by the breaking up of the fountains of the great deep. Their present form and elevation is such as to indicate, that they did not furnish the material with which the valley has been filled up; and it is still more evident that the deposit was not made by the action of the Ohio river, since it occupied its present bed.

Judging from the surface of the surrounding country, the phenomenon may probably be accounted for more rationally, by assuming that the Big Miami, which now connects itself with the Ohio, twenty miles below Cincinnati, once came down the valley through which Mill-creek now passes, and that the deposit in question was made by the agency of that stream, either in the course of many ages, or by some unusual, powerful cause, producing its effect suddenly. With a knowledge of the ravages caused by the elements, within the last two years, it would not require a very great stretch of imagination, to conceive of a violent convulsion, accompanied with an unusual rise of water in the Big Miami, sufficiently powerful and irresistible to carry with it the material which filled up its original channel, and opened for itself a new one, through which it discharges itself into the Ohio river, and that the deposit, on which Cincinnati stands, was made at the same time.

The present surface of the Miami country presents no objection to this hypothesis; but rather tends to strengthen, and to render it plausible, if not probable. Those who are acquainted with the valley of Mill-creek, know that it is connected with the Big Miami in the neighborhood of Hamilton, and that there is now a large pond near that place, and about twenty miles north of Cincinnati, from which, in

wet seasons, the water passes through Pleasant run, into the Miami, below Hamilton, and by Mill-creek, into the Ohio, at Cincinnati; and that above Pleasant run, east of the present channel of the Miami river, and in its immediate vicinity, there was a beautiful deep bayou of some extent, resembling one of the curves of the river, of which it must once have been a part.

Since the country has been settled, it has been almost entirely filled up, with a view of preventing its bad effects on the health of the neighborhood; but at the first settlement of the vicinity, as the pioneers remember, and as appears from the field notes of the original survey, it resembled the river, so perfectly, that one of Judge Symmes' surveyors, Mr. Dunlap, on striking it near Fort Hamilton, supposed it to be the Miami, terminated his line, made an offset of some miles to the east, and reported accordingly.

But it is not proposed here to settle the grave questions involved in this narrative. "*Nox nostrum***tantas componere lites.*"

In the early settlement of the western country, serious difficulties existed before and after the adoption of the Federal Constitution, relative to the right of navigating the Mississippi river. Spain denied the existence of that right, and a temporary suspension of it had been proposed, as the basis of a treaty with that nation. On that subject, the feelings of the people in the West had been so excited, as to cause alarming apprehensions for the safety of the Union. Resolutions were passed at popular meetings, of an inflammatory tendency, and letters were written to individuals in the east, connected with the administration of the government, demanding the free navigation of the river, without further delay. They charged the eastern States with a conspiracy, to rob the West of a right which was vital to its prosperity, by surrendering to Spain the navigation of that important river; and they intimated, very plainly, that, if their demand was not complied with, the people

would take the matter into their own hands, and secure themselves either by force or by treaty.

This excitement appeared so alarming as to induce President Washington to write an explanatory letter on the subject, to some of the leading citizens of Lexington; among whom were George Nicholas and John Brackenridge, disclosing the state of the negotiation with Spain, contrary to his usual practice, for the purpose of removing erroneous impressions, and allaying the feeling of the people. During this excitement negotiations were carried on secretly, between some of the prominent men of Kentucky, whose names were generally known, and the Spanish authorities at New Orleans; which it was said, terminated in an agreement, the object of which was understood to be, to detach from the Union a part of the western country contiguous to the river, and attach it to Spain.

Such was the prevailing opinion, and it was known that some of the leaders in the project, were men high in office, and in public confidence; and it was even said that commissions had been bestowed on some of them, for the express purpose of detaching them from the party. This however, will not be credited, if for no other reason, because it was inconsistent with the uniform policy of the President, and because he never accomplished his purposes by indirect means, or committed power to suspected characters, for the purpose of reforming them. Be this as it may, the patriotism of several distinguished persons, both in and out of the army, was very strongly doubted.

While that impression rested on the public mind, a man of fine personal appearance and polished manners, by the name of Powers, arrived at Cincinnati, from New Orleans, in a handsome, neatly finished barge, with a full crew of well dressed Spanish boatmen, professedly on a trading voyage. If the enterprise was undertaken for profit, the cargo on board did not seem to justify the expense of such an outfit; particularly as the trip could not be completed

in less than six months. Some river traders who went on board with the view of purchasing, made an estimate, that the proceeds of the entire cargo, at fair prices, would not be more than sufficient to defray the expense of the voyage; from which it was inferred, that there was something connected with it, which did not meet the eye. This surmise was strengthened by the fact, that the barge came to, on the Kentucky shore, a mile below the town, where there were neither improvements nor inhabitants; and that she remained there one or two days before she came up to the landing, at Cincinnati.

Mr. Powers, who commanded the barge, was an intelligent, enterprising man, born and educated in Great Britain, though he had become a Spanish subject; and it was understood that he and a Mr. Nolan, who professed to be a trader in Spanish horses, and who probably ascended the river in the same boat, were in the employ of the individuals before alluded to. From these circumstances it was believed, that the barge had been sent by the Spanish Governor, with money, for purposes not consistent with the allegiance due from Americans, to their government; and that the object of landing on the Kentucky shore, in the night, was to deliver it, without giving rise to curiosity or suspicion. The whole movement was certainly mysterious, and cannot be rationally accounted for, on the common principles of mercantile business.

This expedition was connected, in public opinion, with a similar one which had failed during the preceding year, under the management of Mr. Owen, an Irish gentleman of fine education and very polished manners. He had then recently married an accomplished young lady, in Elizabethtown, New Jersey; and soon after that, came to the western country to better his fortune. He brought letters of introduction to the principal officers of the army; and very soon after his arrival, he was sent to New Orleans, professedly on public business. From that place

he came up the Mississippi in a barge, and arrived safely at the mouth of the Ohio. But soon after he entered that river, he was murdered, and his boat plundered.

The first report of the catastrophe was, that he had been murdered and robbed by the Indians, or by white men, disguised as Indians. According to another version of the fatal tragedy, he was assassinated by the crew of the barge, by whom it was robbed and sunk. Mr. Owen had a large amount of specie on board, destined for Cincinnati; and public opinion did not hesitate to name the persons for whom it was intended. Both these shipments were considered as the fruits of the intrigue above alluded to, which was generally called the Sebastian conspiracy.

In the summer of 1797, the American troops were ordered to the West, under the command of General Wilkinson. In the year following, the Mississippi Territory was established by Congress; and Winthrop Sargent, having resigned the office of Secretary of the North-western Territory, was appointed Governor of the new Territory. At the same time, William H. Harrison, who had resigned his commission of Captain in the army, was appointed to the office relinquished by Governor Sargent.

Before the Governor left Cincinnati for Natchez, the seat of government of the new Territory, he gave the writer of these notes a pressing invitation to accompany him, as a member of his family, promising him his patronage, and holding out the prospect of a rapid accumulation of fortune. From a fear of the effects of the climate, on a debilitated constitution, the advantageous and flattering invitation was declined. At that time, titles to real estate in the Mississippi Valley, were in a very unsettled condition, and it was foreseen, that as soon as the courts of the Territory were established by Congress, controversies, involving property of immense value, would arise; suits multiply, and lawyers flourish; which proved to be the case. It was therefore apparent, that the prospect of professional ad-

vancement, connected with the patronage of the Governor, presented strong temptations to risk the dangers of the climate.

Most of the members of the bar who migrated to that Territory, at that early day, with fair pretensions to talents and legal knowledge, and who were proof against the miasma of the valley, soon acquired fortunes. According to the theory of chances, if chance there be, in the moral world, the writer might also have found a short road to wealth, had he accepted the offer of Governor Sargent; but on the other hand, he might have found a shorter one to the grave. Upon the whole, after a review of all the circumstances connected with the decision then made, declining the flattering invitation of the Governor, and giving up the alluring prospects of preferment and wealth, he can repeat the cheering words of *Æneas*, to his shipwrecked companions—" *Forsan et hæc olim, meminisse juvabit.*"

CHAPTER XXV.

Sale of public lands on credit.—Debts due to Government from purchasers.—Exceeding twenty millions of dollars.—Embarrassments in the Western Country.—Purchasers unable to pay.—Lands on the eve of forfeiture.—Resistance to the execution of the land laws apprehended.—A plan for relief concerted at Cincinnati.—Memorial to Congress drawn.—Printed, and circulated through the entire West.—The law of 1821 passed, in conformity with the memorial.—Grant of lands to Ohio, for Canal purposes.—Conditions annexed.—Not assented to.—Grant lost.—In 1829-30, the conditions repealed, and a further grant made.—Miami Extension completed.—Simon Kenton.—Biographical sketches of him.

UNDER the system established for the sale of the public domain, by the law of 1800, and the acts supplementary thereto, an immense debt was contracted, and became due to the government of the United States, from the people of the West, exceeding by estimation, the entire amount of money then circulating in the Western States. That debt had been accumulating more than twenty years, and was swelling daily, with increasing rapidity.

In 1821, it far exceeded the ability of the debtors to pay. Neither the speculator, who had purchased with a view of selling at a profit, nor the farmer, who bought for the purpose of cultivation, and who expected nothing more than to obtain a subsistence for his family, could procure the money which was necessary to secure his title.

It is well known that the first emigrants to the west, and the greater part of those who followed them, from time to time, were compelled by necessity to purchase on credit. Some of them exhausted their means to the last dollar, in raising the first payment on their entries, and others were

not able to make up that sum without the aid of their friends.

The writer, who was one of the early adventurers to the West, was residing in the Miami country before, and at the time, when the sales of the public lands commenced, and had a general knowledge of the situation of the great mass of purchasers, who were indebted to the government. It was his opinion, repeatedly expressed in conversation and in the newspapers of the day, that nine-tenths of those debtors would lose their lands and improvements, under the laws then in force, unless relief should be obtained from Congress. That opinion was founded on the general condition of the country. It was manifest that the pecuniary embarrassment which prevailed, was great and universal—that the banks in the Western States, had all suspended payment—that credit was at an end—that money was not to be had, because it was not in the country, and of course that no property could be sold for cash on any terms. This appalling prospect, spread a deep gloom on the countenance of the community. The people were sinking in despair—hope had deserted them, and they were preparing to meet their fate, with the best resolution they could command.

The debt due to the government in 1820, at the different Land Offices in the Western States, amounted to twenty-two millions of dollars; a sum which more than tripled the ability of the country to pay. There was in fact, a crisis in its affairs, and the most buoyant spirits could not indulge a rational hope, that the gathering storm could be scattered, or its ruinous consequences be repaired.

Thousands of industrious men, some of whom had paid one, some two, and others three instalments on their lands, and had toiled day and night, in clearing, enclosing, and improving them, became convinced that they would be forfeited, and their money and labor would be lost. The amount of the debt beyond the means of payment, was

so great, as to threaten a general bankruptcy throughout the West.

When this state of things became generally known, and understood, politicians and patriots, in every part of the country, felt serious fears that an attempt to enforce payment, by a forfeiture of their land, under the laws of Congress, would produce resistance, and probably terminate in a civil war. It was very evident, that more than half of the men, north-west of the Ohio river, were in debt to the government, and it was a reasonable calculation, that all the residue, felt a warm interest, operating in their favor.

A similar state of things, though perhaps not to the same extent, existed in Alabama, Mississippi, Louisiana, and Missouri. An interest so universal, and so exciting to the feelings, pervading such a vast extent of country, might well create forebodings of danger, in the minds of reflecting men. Portions of this debt, were due from individuals who had purchased for the purpose of selling at an advance; and although less sympathy was felt for them, than for the actual cultivators of the soil; yet, in point of fact, their claims were equally strong. But be that as it may, it was quite evident, that if an attempt had been made to enforce the penalty of the land laws, the influence of that class, would have been much the most operative, in organizing and sustaining, a plan of resistance. From that consideration, the farmers had no disposition to separate from their fellow sufferers, by presenting a claim on their own behalf, founded on the peculiarity of their situation.

When the nation discovered the real condition of those debtors, a feeling of sympathy was produced in their behalf, throughout the Union, and at the same time many anxious fears were excited, as to the consequences of an attempt to enforce payment.

The writer of these notes being one of the sufferers, and discovering a disposition manifested everywhere to

remove the difficulty, directed his anxious attention to the subject, with a view of devising a plan of relief. It was very manifest, without pausing to deliberate, that the debt never could be paid; and consequently, that no plan predicated on an extension of time, would be of any avail; and that the only effectual method of removing the difficulty, was to extinguish the claim at once. That object it was believed might be accomplished, by obtaining permission to relinquish as much of the land entered, as the purchaser could not pay for, with the privilege of applying the money which had been paid in, on relinquished tracts, to the credit of such other tracts as might be retained, in such manner as to save the improvement of the actual settler. That privilege, and a release of back interest, it was believed, would fully accomplish the object.

This view of the subject, he stated to his friends, Mr. G. A. Worth, Cashier of the branch bank at Cincinnati, who was one of the debtors to the government, and to Judge Burke, Postmaster at that place; both of whom cordially approved of the plan. He then drew up the form of a memorial to Congress, setting forth the facts, and praying that a law might be passed, granting relief to the memorialists, in the specific manner stated above; which was submitted to the persons before named, and approved of. More than a thousand copies of it were then neatly printed on letter paper, by Messrs. Morgan & Lodge, who being furnished with the materials, declined receiving any compensation for their labor. The memorials were accompanied by a circular letter explanatory of the object, and were sent to every post office in the States and Territories in which public lands had been sold; directed to influential men, who were earnestly requested to multiply copies, and send them to every village and neighborhood in the States and Territories in which they resided. Among others, a copy was sent to Governor Worthington, of Ohio, who approved of the plan, and exerted his influence, which

was very prevailing, to carry it to a successful termination.

The scheme met with universal approbation, and in a short time, copies of the memorial were in circulation in every part of the Ohio and Mississippi valley. The consequence was, that at the succeeding session of Congress, the tables of both Houses were literally loaded with these memorials, signed by thousands of the inhabitants of all parts of the western and south-western country; and with here and there an exception, they were in the precise form of the original, drawn and printed at Cincinnati. The subject was taken up in Congress with great earnestness, and the act of 1821 was passed, granting relief in the form requested in the memorial.

In the discussion of the subject, it was evident, that the leading members were induced to support the measure, from an apprehension of the consequences, to which the continuance of the debt would lead; and from a conviction, that it was necessary to change the land system, so as to require all sales thereafter to be made for cash. Under the influence of those considerations, the Hon. Rufus King, of New York, discussed the subject in the Senate, with great talent and energy. He advocated the plan, because it united the double object, of extinguishing the existing debt, and of preventing the accumulation of another.

To reconcile the community to this important alteration in the land system, Mr. King proposed to reduce the price of the public land, from two dollars, to one dollar and twenty-five cents, and to subdivide the surveys into tracts of eighty acres, so as to put it in the power of every citizen, who was not a confirmed 'loafer,' to become an independent freeholder. With those modifications, the plan proposed in the memorial, was adopted, with a degree of unanimity almost unparalleled.

By the success of that project, the entire West was relieved from a state of depression, which, had it been con-

tinued, must have produced results too distressing to be contemplated. In practice, the plan adopted was effective. It relieved the nation from apprehension, and the people of the West, from embarrassment, and it strengthened their confidence in the benignity of the general government, while it removed a cause of disquietude and distress, which threatened the peace of the country.

There is another subject connected with the disposal of the public lands, full of interest to the people of Ohio, and which laid the foundation of their system of internal improvements. In May, 1828, Congress granted to that State, five hundred thousand acres of land, for the purpose of aiding her, in the payment of the debt, which had been, or might thereafter be, contracted in the construction of her canals.

The act containing that grant required, that the canals which had been commenced prior to its passage, should be completed in seven years. By the same law there was granted to the State, for the purpose of aiding in the extension of the Miami canal, from Dayton to the Lake, by the Maumee route, a quantity of land, equal to one-half of five sections in width, on each side of the canal, from Dayton to the Maumee river, at the mouth of the Auglaize, so far as the same should be located *through the public lands*. This grant for the benefit of the Miami Extension, was made on the express condition, that the extension from Dayton to the Lake, should be commenced in five years, and completed within twenty years; *or the State should be bound to pay the United States the price of the land.*

The seventh section declared, that the act should not take effect, unless the Legislature of Ohio, at their first session thereafter, should express the assent of the State, to the several provisions contained in it; without which it should be wholly inoperative. These conditions excited serious apprehensions in the minds of the Legislature, and the reflecting part of the community. They were unwilling to

lose the grant of five hundred thousand acres, and therefore assented to the condition of finishing the canals from Cleveland to Portsmouth, and from Cincinnati to Dayton, within the period stipulated; but, as it was believed that the extension of the Miami canal, from Dayton, on which no money had been expended, would be attended with great difficulty; and that the cost of construction above the amount of the grant, might be greater than the State would be able to bear, the Legislature refused their assent to the responsibility of completing it, within the time limited; in consequence of which the grant was forfeited and lost, by the express provisions of the act.

Thus the matter stood at the commencement of the session of Congress of 1829-30. At that time, Mr. Burnet, of Cincinnati, had resigned his seat on the bench of the Supreme Court of Ohio, and had been chosen by the Legislature, to fill the vacancy in the Senate of the United States, occasioned by the resignation of William H. Harrison.

Mr. B. felt a deep interest in the completion of the Miami Extension, and determined to make an effort to obtain the passage of a law, for the triple purpose of reviving the former law—removing the penalty which it imposed on the State, and obtaining an additional grant of land, so as to ensure the construction of that most valuable work. The law of 1828, which contained the penalty just mentioned, had not made any provision to aid in the construction of such portions of it, as passed over lands not then the property of the government. Consequently, from Dayton to the Indian boundary, the State was to defray the entire expense, without the aid of government, as the whole of that land had been previously sold; neither were they to receive any thing for such portions of the route, between the Indian boundary and Defiance, as had been located on grounds previously sold. Those portions of the route, amounted probably to one-fourth of the distance from Dayton to Defiance, for which no provision had been made; conse-

quently the entire expense of that portion of it, must have fallen on the State.

The feeling which had been manifested in the Legislature, and seemed to occupy the minds of a large portion of the people of the State, clearly indicated a determination to persevere in declining the grant, rather than assume the responsibility of completing the work within the time specified, under the forfeiture imposed by the law. The question, therefore, was, whether it were better to abandon the offer, and suffer that improvement to be lost, or make an effort to get rid of the objection. It seemed to be manifest, that the grant would have been accepted, and the extension commenced under the first act, if it had not contained the penalty. It was therefore a natural conclusion, that a removal of the penalty, would obviate the objection, and especially so, if, in addition to that benefit, a further grant of land could be obtained. Under those circumstances, Mr. B. did not hesitate in resolving to make an effort to accomplish both objects.

He mentioned the subject to his colleague, Judge Ruggles, and to most, if not all, the members from Ohio. They gave it as their decided opinion, that the attempt would be abortive, particularly that part of it which contemplated an additional grant of land; but all expressed their readiness to co-operate in supporting the measure. The prospect of success was by no means promising, nor were the hopes of accomplishing it, very sanguine; but the importance of the object was so great, that he resolved to make the attempt.

For the purpose of bringing the subject before the Senate, in January, 1830, he offered a resolution, instructing the Committee on Public Lands, to enquire, how far it was expedient, to alter and to modify the act entitled "An act to aid the State of Ohio, in constructing the Miami Canal, from Dayton to Lake Erie;" and to grant a quantity of land to said State to aid in the construction of the Canals author-

ised by law, and to enquire particularly if it were not expedient to repeal so much of said act, as provides "that the extension of said Miami Canal, shall be completed within twenty years, or that the State shall be bound to pay to the United States the amount of any lands previously sold." The resolution was adopted, and soon after, Mr. Barton of Missouri, Chairman of the Land Committee, gave notice to Mr. B. that the Committee were ready to hear the grounds of his application.

At their next stated meeting he attended, and addressed them at some length in support of the claims of Ohio. He urged the great progress she had made in her works of internal improvement—the advantage the general government would receive, by the increase of value, which those improvements would give to her remaining lands—the great hardship of being required to pay government the price of the land, after the proceeds of it had been faithfully expended, in the prosecution of the work—the impolicy of legislating, so as to create penalties or debts, against any of the States.

He also urged the claims of the people of Ohio, as the first pioneers to the public domain, and their sufferings during the Indian war, which began with the commencement of the settlement of the Western Territory. He stated their agency in bringing that war to a successful close; and the fact, that they had been compelled to pay two dollars, as the minimum price of their lands, making an excess of about six hundred thousand dollars above what it would have cost them, at the then reduced price.

He also laid before them a statement, obtained from the Commissioner of the General Land Office, showing that the whole sum received from the sales of public lands, prior to that time, was thirty seven millions, five hundred and ninety seven thousand six hundred and fifteen dollars, and that the people of Ohio, had paid of that sum, sixteen millions

four hundred and ten thousand one hundred and fifteen dollars, a large part of which had been paid under the two dollar minimum.

He also exhibited a statement of the lands, within the limits of Ohio, appropriated by Congress to satisfy claims, which originated under the old confederation, amounting to about nine millions of acres. Estimating those appropriations, at the minimum price, it appeared that the government had realized from their lands in Ohio, in cash and in the payment of Revolutionary claims, about thirty-four millions of dollars, almost double the amount at that time received from the public lands, in every other State and Territory in the Union. He also cited cases in which grants of land for internal improvements, had been made to other States, without the penalty imposed on Ohio.

On the exhibition of those facts, the committee were unanimously of opinion, that the claim was reasonable, and ought to be granted.

The next day, at the request of the chairman, Mr. B. drew a report, embodying the principal facts in support of the claim, and also a bill to carry it into effect. That report and bill were approved by the committee, and, by their order, presented to the Senate by Mr. Barton, with an expression of their opinion, that the bill ought to pass. It did pass, and became a law during the session. It repealed that part of the act of 1828, which contained the penalty, and granted to the State an additional quantity of land equal to five sections for every mile of the canal located on land previously sold by the government; and authorized the Governor of the State to make the locations.

From Dayton to the Indian boundary line, the land had been entirely sold. Some tracts had also been disposed of above that line, over which the canal passed. On a fair estimate of these distances, it will be found that the law made an additional grant to the State of about two hundred and fifty sections. Judging from the feelings entertained

by a majority of the State, at that time, in relation to the Miami extension, it may be safely assumed, that the completion of that important work has been effected by the passing of the act in question. The proceedings referred to above may be found in the Senate Journal of the first session of the Twenty-first Congress, pages 108, 109, 127, 190, and 193.

The remainder of this chapter will be occupied by a statement of some of the prominent incidents in the eventful life of Simon Kenton, who was, without doubt, one of the bravest and most interesting of the Western pioneers—he was excelled by none, and equalled only by his precursor, Daniel Boone. His biography, as far as it has been preserved, will be read with interest, and his name will never be forgotten in the valley of the great West. He was the coadjutor of Boone throughout the protracted struggle for the occupancy of the rich forests and prairies on either side of the Ohio. The exposure and suffering which these resolute adventurers endured in the accomplishment of that object, can scarcely be conceived of, much less realized, by one who has not been a pioneer himself.

While the United States were British colonies, and Kentucky and Ohio were in their native, uncultivated state, filled with Indians, and wholly destitute of white inhabitants, those heroic men, as if moved by the finger of Providence, left the abodes of civilization, entire strangers to each other, and ventured into the midst of a boundless wilderness—neither having any knowledge of the purpose or the movement of the other.

Boone led the way from Maryland—crossed the mountains, and entered the valley of Kentucky in 1769; Kenton followed from Virginia, in 1773. The former emigrated from choice, to gratify his natural taste, after full deliberation, and after having calculated the consequences. Not so with the latter—he fled to the wilderness, to escape the consequences of a supposed crime. He had unfortunately

become involved in a quarrel with a young man of his neighborhood, with whom he had lived in habits of great intimacy and friendship, and, as he supposed, had killed him in a personal conflict. For the purpose of avoiding the consequences of that imaginary homicide, and to escape, if possible, from the distress of his own feelings, he left his home and his friends, without waiting to ascertain the result, and, unaccompanied by any human being, crossed the mountains and descended into the valley of the Big Kanawha, under the assumed name of Simon Butler. He retained that name several years, and until he received information that his friend, who, he supposed had fallen by his hand, had recovered from the blow inflicted, and was living and in health. He then resumed his proper name, and disclosed the reason which had induced him to change it for the name of Butler.

It is a matter of much regret, that so small a portion of the achievements of this interesting man have been preserved. This may be accounted for by the fact, that a large part of his life was spent in the wilderness, either in solitude, or associated with adventurers of the same cast with himself; and it explains the reason why we are not only without a connected narrative of his life, but have so few of the isolated transactions of it perpetuated.

It is known, however, that after he joined the adventurers in the district of Kentucky, about two or three years before the Declaration of American Independence, he was engaged in all the battles and skirmishes between the white inhabitants and the savages. He was also an enterprising, intrepid leader, in most of the expeditions against the Indian towns northwest of the Ohio. These conflicts continued during the long period of twenty years, intervening between the time of their commencement and the decisive battle at the Rapids of the Maumee, in August, 1794, which was followed by a general peace.

He was a striking example of cool, deliberate bravery, united with a tender, sympathising, heart. In times of danger and conflict, all his energies were enlisted in the struggle. He fought for victory, regardless of consequences, but the moment the contest was over, and his feelings resumed their usual state, he could sit down and weep over the misery he had assisted in producing.

During a large portion of his life, solitude, danger, and want, were his attendants, and necessity had so familiarised him to privations, that he could endure abstinence from food, and subsist on as small a quantity of it, without injury to health or strength, as the savages themselves.

During his residence in the wilderness, the land warrants, issued by the Commonwealth of Virginia, were easily obtained. After the holders were permitted to locate them, west of the mountains, he found no difficulty in possessing himself of as many of them as he desired; and having traversed the wilderness in every direction, his topographical knowledge enabled him to select for location, the best and most valuable tracts in the country. Had he possessed the information necessary to enable him to make his entries sufficiently special to stand the test of legal scrutiny, his locations would have been the foundation of a princely fortune for himself and his family.

Unfortunately, however, he was uneducated, and although his locations were judicious, and his entries were made in the expressive language suggested by a vigorous mind, yet they were not sufficiently technical, in consequence of which, the greater part of them were lost, by subsequent entries, more specifically and technically made. He succeeded however, in retaining a few of them, which were sufficient to make him entirely independent.

The first authentic information we have of him, after he left the place of his nativity, is, that he was engaged in the great battle fought at the mouth of the Big Kanawha,

between the Indians and the troops of Lord Dunmore, while he was Governor of the Province of Virginia; in which he, (Kenton) was distinguished by his bravery.

The next intelligence is, that in 1775, he was in the district of Kentucky commencing a station, near the spot where the town of Washington now stands. Not long after that work was done, the station was discovered, attacked, and destroyed, by the Indians, and it does not appear that he made any effort to re-occupy it till 1784, after the treaty of peace with Great Britain. In that year he rebuilt his block house and cabins, and proceeded to raise a crop; and though frequently disturbed by the Indians, he continued to occupy and improve it, till he removed his family to Ohio, about eight or nine years after the treaty of Greenville.

He was always considered one of the boldest and most active of the defenders of the western country, from the commencement of its settlement till the close of Indian hostilities. In all their battles and expeditions he bore a conspicuous part. He was taken prisoner several times, and conveyed to the Indian towns, but in every instance made his escape and returned to his friends. On one of those occasions they determined to destroy him, by a most barbarous plan. He was put on a horse, without saddle or bridle, his feet lashed under the body of the animal, which was turned loose and left to follow the party to the Miami villages. In that way he was compelled to travel several days in succession. When he reached the end of his journey, he was bruised from head to foot, and some of his limbs were broken. Although it was the manifest object of the savages to destroy his life by that process, yet he survived, and after his bruises and fractures were healed, by the kind care and attention of the squaws, he made his escape and returned to his family.

On another occasion he was captured when on an expedition against the Wabash villages, and taken to one of

the remote Indian towns, where a council was held to decide on his fate, which condemned him to run the gauntlet, as it was called. In the infliction of that cruel punishment the Indians formed two lines, about six feet apart, each of them armed with a whip or a club. The prisoner was compelled to run through those lines, from one end to the other, and receive a blow from every Indian as he passed. If he fell in the race he was immediately put to death, but if he succeeded in getting through, without falling, and afterwards recovered of his wounds, he was spared. Kenton passed through the dreadful ordeal without falling, but was so bruised and exhausted that he fell to the ground the moment he reached the goal. On that occasion he was again indebted to the sympathy and medical skill of the squaws, by whose kind offices his life was saved. Soon after his recovery, he again escaped from his captors.

At the commencement of the war of 1812, he was a citizen of Ohio, residing in the vicinity of Urbana, and then bore on his person the scars of many a bloody conflict; yet he repaired to the American camp, and tendered his services as a volunteer in the army. His personal bravery was proverbial; his skill and tact in the modes of Indian warfare were known throughout the West; and as the frontier at that time abounded with Indians, most of whom had joined the British standard, the services of such an experienced Indian fighter, as Simon Kenton, were highly appreciated by General Harrison and Governor Meigs, each of whom had known him personally for many years. The offer was of course, promptly accepted, and the command of a regiment conferred on him.

While a portion of the army were stationed at Urbana, a mutinous plan was formed by some of the militia, to attack an encampment of friendly Indians, who had been threatened by the hostile tribes, and were invited to remove with their families, within our frontier settlements, as a

place of safety, under an assurance that they should be protected.

Kenton remonstrated against the movement, as being not only mutinous, but treacherous and cowardly. He vindicated the Indian character against the false charges which were alledged, in justification of the outrage they were about to perpetrate, and warned them against the infamy they would incur, by destroying a defenceless band of men, women, and children, who had been induced to place themselves in their power, by a solemn promise of protection.

He appealed to their humanity, their honor, and their duty, as soldiers. He contrasted his knowledge of the character of those unfortunate people, with their ignorance of it. He told them he had endured suffering and torture at their hands again and again, but that it was in time of war, when they were defending their wives and children, and when he was seeking to destroy and exterminate them; and that, under those circumstances, he had no right to complain, and never did complain. But, said he, in time of peace they have always been kind, faithful friends, and generous, trustworthy, men.

Having exhausted the means of persuasion, without effect, and finding them still resolved on executing their purpose, he took a rifle and called on them to proceed at once to the execution of the foul deed; declaring with great firmness, that he would accompany them to the encampment, and shoot down the first man who attempted to molest it. My life, said he, is drawing to a close; what remains of it is not worth much; but much or little, he was resolved, that if they entered the Indian camp, it should be done by passing over his corpse. Knowing that the old veteran would fulfil his promise, their hearts failed them—not one ventured to take the lead:—their purpose was abandoned, and the poor Indians were saved.

Though Kenton was brave as Napoleon, and as per-

fectly regardless of danger, when engaged in the discharge of duty, yet he was mild and amiable, and had a heart that could bleed at the distress of others. He belonged to that class of heroic men, whose courage in battle never fails, and who, in the walks of private life, are always mild, amiable, and unassuming—qualities which are the usual attendants of consummate bravery.

When Mr. B. first became acquainted with him, at Marietta, in the fall of 1796, he was attending the General Court of the Territory as a witness on behalf of a young man who had been indicted for the murder of a Mr. Miller. He was then possessed of a large estate—and a more generous, kind hearted man, did not inhabit the earth. His door was always open. "Neither stranger nor friend ever found it shut and the latch-string pulled in." Travelers of every grade were received with kindness, treated with hospitality, and pressed to stay. His residence was in Kentucky, in the vicinity of Washington, where he cultivated a thousand acres of land, equal in fertility to any in the world.

In 1797 Mr. B. on his way from Limestone to Lexington, stopped a day at his house, to redeem a pledge he had given him at the Marietta court, in the fall of the preceding year; and partook of his hospitality with great satisfaction.

Unfortunately, Kenton was illiterate, and altogether too confiding. He judged others by himself, and was not conscious of the imposition to which he was exposed. He believed men were honest, nor did he awake from that delusion, till he was defrauded and robbed of all his estate. This was done principally, by one of his own relatives, whom he had long cherished and sustained, and to whom he had confided the management of his affairs. At an advanced age, he was reduced from affluence to abject poverty, and left dependent on the charity of a son-in-law, who was himself poor, and depended on the labor of his hands for his daily bread. He was nevertheless cheerful and happy, and al-

though he and his offspring were in poverty, and the children of his relative, who had deceived and plundered him, were living in affluence, on the spoils of his fortune, he told Mr. Burnet in one of their last conversations, that he would not exchange situations with them for the wealth of the world. "I am," said he, "blessed with health—I have a quiet conscience—I can sleep calmly, and am contented."

Gov. Vance, of Ohio, was a warm personal friend of the unfortunate, but highly meritorious pioneer; and had succeeded in getting a bill through the House of Representatives, granting him a pension, at two successive sessions, before Mr. B. became a member of the Senate. When these friends of Kenton met at Washington City, in 1826, they determined to make another effort, in his behalf. Gen. Vance undertook to renew the application in the House, and get a bill passed at as early a period in the session, as was possible; and Mr. B. engaged to give it a zealous support in the Senate. Mr. Vance redeemed his pledge, and carried the bill through the House. It came to the Senate late in the session, and was referred to the appropriate committee. Mr. B. advocated it before the committee at their room, and was so fortunate as to satisfy them, that it was just, and to induce them to report it back, with their opinion, that it ought to pass.

When it came on the calendar, there was such a long list of orders standing before it, and having preference, that there was no hope of getting it taken up during the session, unless those preceding it, were postponed by the Senate. A motion was made for that purpose by Mr. B. which fortunately succeeded. The bill was then taken up, as in Committee of the Whole, and it was insisted, that the case did not come within the provisions of any of the pension laws, on the statute book, and the strict constructionists opposed it on that ground. They alledged, that it would form a dangerous precedent, if it should be passed.

Their opposition, however, was overcome, by a full exhi-

bition of the services and sufferings of the applicant. It was shown, that his life had been a succession of exposure and privation in defending the frontier settlements, from the desperate battle of Point Pleasant, in 1774, to the last victory of Harrison, on the Thames. The friends of the measure, contended that if Kenton's case should become a precedent, it could not be a dangerous one, because it was *sui generis*, and without a parallel; but that if there were other cases of equal heroism and suffering, they would form a new class, as meritorious as any of those, which had been provided for by law.

During the discussion, the feelings of Gen. Smith, of Baltimore, became warmly enlisted. He made a brief appeal to the humanity and justice of the Senate, in favor of the bill, in which he declared very emphatically, that if there was not a law for the relief of such heroes as Kenton, there ought to be one; but whether or not, he would give him a pension. The bill passed, by a large majority, and as it referred back to the date of the first application, and directed the pension to be paid from that time, it gave him an ample support for the remnant of his life.

CHAPTER XXVI.

Mr. John Reily.—Serves in the Army of the South during the Revolution.—His claim to the gratitude of the country.—Removes to the North-western Territory.—View of the Territory.—Pioneer life.—Sketch of the services of Mr. Reily in the West.—His uprightness and integrity.—Neglect of the pioneers to preserve accurate records.—The ill consequences.

MR. JOHN REILY, one of the small band who assembled under Major Stites, in the fall of 1788, to commence the settlement of Columbia, was not only a Western pioneer, but had been a soldier in the Revolutionary War, from an early period after its commencement to its final close. He enlisted in North Carolina, his native State, and was afterwards ordered to join the army of the South, under Gen. Green, in which he continued to serve during the three exhausting campaigns which ensued, and until the splendid victory over the British at the Eutaw Springs had covered the army with glory. That brilliant affair, in which Mr. Reily was distinguished by his bravery and good conduct, was near the close of the Revolutionary struggle, and so crippled the enemy in the South as to deter them from any further efforts in that quarter.

Every body who knows Mr. Reily personally, must have remarked the diffidence with which he refers to himself, and with what reluctance he speaks of the transactions of his life; especially those which were attended with personal danger and privation, or were productive of beneficial results to the community or to individuals. It has often been remarked, that when his attention has been called by a question, or otherwise, to some interesting event of his life,

for the purpose of eliciting information, he has manifested much embarrassment, resulting from an unwillingness to become the herald of his own fame; hence it is, in part, that his friends have not learned more of the interesting incidents of his long and useful life.

Nothing is wanting but a correct biographical sketch of him to place his name with the names of those who in all time to come, ought to be remembered as patriots and devoted friends to their country. Services like his, which commenced in the most gloomy period of the Revolution, while he was yet a minor, and were performed in a part of the country in which the army was exposed to incessant toil and suffering, in an unhealthy climate, cannot be valued too highly, or repeated too frequently. It is now but very seldom that persons are met with who were engaged in the movements and events of the great struggle which made our country independent. The mass of them, probably ninety-nine in a hundred, have been gathered to their fathers; and the few who remain, with here and there an exception, are compelled by the debility of age to withdraw from active life. There are, however, some yet living who at the Declaration of Independence had acquired enough of the strength of manhood to grapple with the enemy.

That Mr. Reily was of that number, appears from the records of the War-office, and the certificate of an honorable discharge under the hand and seal of Washington.—The writer was not one of the adventurers who commenced the occupancy of the Miami valley, in 1788, though he soon followed, and became one of their number before much progress had been made in the accomplishment of their great object.

When Mr. Reily selected the North-western Territory as his permanent home, it wore the rich, beautiful garb which nature had given it, neither disturbed nor marred by the hand of art. Its great fertility was seen in the exuberance and variety of its productions. Its forests and natural

meadows, filled with game of the finest varieties, seemed to have no limits. Its only inhabitants were the aborigines, whose ancestors had owned and occupied it during a long succession of ages. This they learned from tradition. They knew that the country was theirs, and that the white man was an intruder—nor did they doubt for a moment their ability to maintain their rights. Hence their intercourse with the pioneers, in the first instance, was of a friendly character. At that period of their history they were comparatively a moral people—if they professed friendship they were kind and faithful; but if otherwise they were ferocious and cruel.

At first it was not difficult to win their confidence, and, that point gained, the pioneers felt themselves safe. This security, however, continued but for a very short time. The British government, which was then withholding from the United States the forts of Maumee, Detroit, and Mackinaw, in violation of the treaty of 1783, saw the efforts the Americans were making to settle and improve the North-western Territory, and were alarmed at the power and influence which they would obtain over the Indians by the completion of that plan. They saw, also, as a matter of course, that it would soon compel them to relinquish the posts and retire within their own territory, and they determined, if practicable, to defeat it.

The most effectual way of accomplishing that object was to poison the minds of the Indians, which they did through the instrumentality of their agents, by telling them that the people of the United States were their natural enemies—that they were about to seize their lands and drive them beyond the Lakes, and that their only chance for safety was to crush the American project in its commencement. These appeals produced the desired effect, and the consequence was that when the pioneers were beginning to gain the confidence and friendship of the natives, their progress

was suddenly checked by manifestations of hostility, at every point where settlements had been commenced. Thus were their hopes dashed, and in place of the friendship they anticipated, they were admonished that they had to encounter a deadly foe in every savage they met. Such being the fact, the great disparity of numbers between the few adventurers who first crossed the Ohio, and the hordes of savages who then occupied the forest into which these adventurers had penetrated, would lead to the conclusion that the pioneers must have been overwhelmed, without even the possibility of an escape.

Such, however, was not the fact. Though in jeopardy every hour, and expecting to meet an enemy at every step, their courage did not desert them, nor did they harbor a thought of abandoning their purpose. Being hourly in danger and always prepared to meet it, habit soon made their condition familiar and robbed fear of its distress.

This concise sketch may be taken as an epitome of the life of the pioneer from his first attempt to settle the Territory, in 1788, till the treaty of General Wayne, in 1795. As Mr. Reily was actively engaged in all these struggles and dangers, from their commencement to their close, he comprehends them well; but no person can form a just conception of the privations and dangers of a pioneer, who has not been a pioneer himself.

In connection with these transactions, in which Mr. Reily participated so largely, it may be added, that during the first eight years of his residence in the Territory, his life and habits were necessarily those of a soldier. The settlers were so constantly exposed to the enemy, that their safety consisted in being ready at a moment's warning to resist an attack. If you enquire of any of the few pioneers who survive, they will tell you that it was as natural for them to carry their rifles to the corn-field and the potato-patch, as their hoes or other instruments of husbandry; and

that when they collected on the Sabbath, to engage in the duties of religion, whether in a cabin or under a tree, it was with loaded rifles at their sides.

It is impossible for those who have recently come to the western country, to realize the true situation of the pioneers. They encountered danger, privation, and suffering, in forms not easily conceived of, and more appalling than those of hunger or exposure to the elements. But whatever they were, Mr. Reily partook of them all, without murmur or complaint. With him it was a matter of calculation. Before he crossed the mountains, or placed his foot beyond the limits of civilized society, he counted the cost, and made up his mind deliberately, that he would conform himself to the requirements of his new condition, be they what they might. He redeemed that pledge, and in the winter of 1791, which was the midnight of the protracted conflict, he manifested no despondency.

The defeat of General St. Clair, and the ruin of his army, on the 4th of November of that disastrous year, gave the savages unrestricted access to the American settlements. The consequences of such an exposure, are very apparent. The pioneers were assailed by an enemy outnumbering them twenty to one, and were dependent for safety on their ingenuity and bravery, rather than on any thing else; yet their hearts were resolute and their faces cheerful—each encouraged his fellow, and all adopted the motto, "*nil desperandum.*"

In the trials and sufferings of that gallant band, Mr. Reily had a full share. If a station or a settlement were attacked, he was among the first to go to its relief. If a murder or other depredation was committed, he was ready to take the trail and pursue the enemy without loss of time. In common with his hardy companions, he seemed to feel and act as if danger were the natural condition of man, and his duty consisted in meeting it without reluctance and without fear.

True bravery seems to be the firm exercise of resolution resulting from calm reflection, rather than any distinguishing property or quality of mind, inherent in some men, but not in others. This idea is countenanced by the fact that the bravest men who have ever lived—men who have given evidence time and again, that it would be as easy for them to commit suicide as to refuse an act of duty because there was danger attending it, have been as careful to avoid exposure when unnecessary, as they have to seek it when it became a duty to do so. It is also corroborated by the fact that there has not been one instance of cowardice among the pioneers—not because their minds or nerves were organised differently from those of other men, but because the circumstances, in which they had voluntarily placed themselves, were such as identified the exercise of the most heroic courage with both duty and safety. Superficial reasoners are apt to confound caution and prudence, with timidity and fear, though there is not the least similitude between them.

A brave man retires as instinctively from danger when exposure is useless, as he seeks it when it becomes a duty: but whether these reflections be philosophical or otherwise, it must be conceded that there were no cowards among the pioneers, which is enough for the present purpose, let the fact have come to pass how it may.

Immediately after the close of the Revolutionary War, Mr. Reily resolved to establish himself in Georgia, and make that State his permanent residence, and actually went there with that view. Soon after his arrival, he purchased a warrant for one thousand acres of land, lying on the frontier, with an intention of settling and improving it; but was prevented from doing so by the hostility of the Indians, who claimed the land, and denied the right of the State to dispose of it.

After remaining in that unsettled condition for some time, he became convinced that there was no prospect of a speedy

termination of the difficulty with the Indians, and being anxious to make a permanent location somewhere, he left his land and moved into Tennessee. From thence he proceeded to Kentucky, and, after a short residence in that State, he came to the Miami Purchase, and settled at Columbia. He was one of the companions of Major Stites in laying out and improving the village. There his acquaintance commenced with the venerable Judge Dunlavy, who was also a pioneer eminently distinguished for energy and zeal in the little band of adventurers, who like a forlorn hope, preceded the multitudes destined to follow in their train. A friendship then began between him and Mr. Reily, which continued to increase and become more confidential till it was terminated by the death of the Judge.

In all the different offices and agencies held by Mr. Reily, he performed his duty with great fidelity and exactness. As Clerk of the House of Representatives of the North-western Territory, which he held from the commencement of the second grade of government in 1799 till the establishment of the State Constitution, his devoted attention to the business of the House, and the neat correct manner in which it was performed, were generally noticed and spoken of.

In the Convention which formed the Constitution of our State, though he spoke but little, yet the confidence placed in his judgment gave him a very perceptible influence.

Having been appointed Clerk of the Common Pleas and the Supreme Court, and also the Recorder of Butler county, at its first organization in 1803, he became intimately connected with the Commissioners of that county, and, in fact had the chief management of their finances, which were conducted with such prudence, that it did not become necessary either to contract an onerous debt, or to subject the people to unreasonable taxes. His attention to the affairs of that county was so faithful and efficient, that nothing was more common than to hear him called the "Guardian of the people of Butler."

With the exception of Mr. Hugh Boyle, of Fairfield, he held the office of Clerk of the Courts, for a longer period than any other individual in the State. The neatness with which the papers in his office were endorsed and filed, and the order and care with which they were kept, was the subject of general remark. But it is needless to enlarge on this subject. It is generally known that through life, his duties in every station have been attended to with a degree of punctuality and care rarely to be met with.

While multitudes who hold offices, look on them as mere sources of profit, he has considered them as personal trusts, conferred for the public good, and requiring at his hands a punctual and thorough performance of the duties they enjoined. His veracity and integrity have never been questioned—they are proverbial, and the prevailing opinion is, that in all his dealings it has been his aim to do justice, and, in cases of doubt or dispute, to render more than he believed to be due, lest he might ignorantly render less.

The Clerkship of the Supreme Court, is the only office recently held by this Revolutionary soldier, which having been voluntarily resigned, he is now, and has been for a few years, living in retirement at the advanced age of eighty-six years, enjoying as ample a share of health as could be expected by one, whose constitution has been tried as severely as his.

If the reader will look around him, he will find but very few of the fellow pioneers of Mr. Reily among the living. They have gone to their long homes, soon to be followed by their surviving comrades. How few of the multitudes who are daily enjoying the fruits of his toil and exposure, are aware of what he has done and suffered to procure them! A consciousness that millions now inhabiting the West, enjoy the benefits and blessings secured by him and his hardy associates, affords him great pleasure; though he is aware that they know him not, and do not recognise the existence of any obligation.

In every condition in which he has been placed in life, it has been his ambition to perform his duty promptly, faithfully, and fearlessly. When called to face the public enemy, he never evaded the call, or left others to incur the danger which it was his duty to meet; and being always at his post, his name never was enrolled on a list of defaulters.

The thought has often crossed the mind of the writer, that the more intelligent portion of the pioneers, were by far too negligent in preserving written memoranda of the transactions which took place, in the early settlement of the Western Territory. Had each of them preserved a sketch, however simple and concise, of the events of which he was a participant, in the order of their occurrence, they would have furnished the material of one of the most interesting, and thrilling histories, that has yet been published. This, however, was not done, except in a few cases, and in a limited degree, and it is now justly apprehended, that the great zeal which exists to remedy this omission, and the careless manner in which it is done, by receiving statements freshly reduced to writing, as coming *ex cathedra*, without proper caution, will be the means of imposing on society narratives of our early settlements, which will not be entitled to the confidence of posterity.

However desirable it may be, and it is admitted to be so in a high degree, to preserve and transmit to posterity a faithful account of the pioneers of the North-west, and of the means by which they were able to sustain themselves, with scarcely any thing to rely on but their courage and perseverance, yet it will be far better to let it all sink into oblivion, than palm on the world as truth, such fabulous stories as we frequently meet with. If it be desirable to preserve truth to the exclusion of fable, these statements must be received with great caution, and rejected promptly if their authenticity be not attested by unquestionable proof. Society sustains as much, and probably more,

injury from falsehood imposed on them for truth, than they do from the suppression or loss of truth.

In all periods of the world, with but few exceptions, men have been pleased with the thought that a knowledge of their useful and brilliant achievements, will survive them for ages after they are gone. Such feelings are highly commendable, as they are strong incentives to useful and honorable effort. They should for this reason be encouraged and cherished as far as possible; and to accomplish this more effectually, there should be such assurance of the authenticity of historical narrative as will secure credence in the facts it may contain; for who can feel ambitious to have his claims to public respect or gratitude, however correctly stated, so mingled with falsehood and fiction as to involve the publication which records them in doubt or ridicule? Those persons therefore, who labor faithfully, but cautiously, to collect authentic historical knowledge, entitle themselves to the gratitude of society. It should ever be borne in mind, that the office of an historian is one of immense responsibility; that it always tells for good or for evil, and that he will be held responsible for the consequences of a want of fidelity.

APPENDIX.

APPENDIX.

A.

Application of Judge Symmes to Congress for a grant of western lands.
(See Journal of Congress, Vol. XII, page 150.)

"To His Excellency, the President of Congress.

The petition of John Cleves Symmes, of New Jersey, sheweth, that your petitioner, encouraged by the resolutions of Congress of the 23d and 27th of July last, stipulating the condition of a transfer of federal lands on the Scioto and the Muskingum rivers unto Winthrop Sargent, Manasseh Cutler, Esquires, and their associates, of New England, is induced, on behalf of the citizens of the United States westward of Connecticut, who also wish to become purchasers of federal lands, to pray that the honorable the Congress will be pleased to direct that a contract be made by the honorable the Commissioners of the Treasury Board, with your petitioner for himself and his associates, in all respects similar, in form and matter, to the said grant made to Messrs. Sargent and Cutler, differing, only in place where, and, instead of two townships for the use of an University, that one only be assigned for the benefit of an Academy.

That by such transfer to your petitioner and his associates, on their complying with the terms of sale, the fee may pass of all the lands lying within the following limits, to wit: Beginning at the mouth of the Great Miami river; thence running up the Ohio to the mouth of the Little Miami river; thence up the main stream of the Little Miami river to the place where a due west line to be continued from the western termination of the northern boundary line of the grant to Messrs. Sargent, Cutler & Co. shall intersect said Little Miami river; thence due west, continuing the said western line to the place

where the said line shall intersect the main branch or stream of the Great Miami river; thence down the Great Miami to the place of beginning."

(Signed)

JOHN C. SYMMES.

New York, 29th August, 1787.

"Ordered, That the above petition be referred to the Board of Treasury, to take order."

B.

Terms of sale and settlement of Miami lands, published by John Cloves Symmes, Esq. at Trenton, Nov. 26th, 1787.

To the respectable Public.

"Whereas, the honorable the Congress, by their act of the 3d of October, 1787, authorized the honorable the Commissioners of the Treasury Board to enter into a contract with the subscriber for the tract of land hereafter described, and upon the following conditions: the boundaries of the land are, viz. Beginning at the mouth of the Great Miami river, thence running up the Ohio to the mouth of the Little Miami river, thence up the Little Miami to the place where a due west line to be continued from the western termination of the northern boundary line of the grant to Messrs. Sargent, Cutler, and Company, shall intersect the said Little Miami river, thence due west continuing the said western line to the place where the said line shall intersect the main branch or stream of the Great Miami river, thence down the Great Miami to the place of beginning.

The conditions are, that the tract shall be surveyed, and its contents ascertained by the geographer or some other officer of the United States, who shall plainly mark the said east and west line, and shall render one complete plat thereof to the Board of Treasury, and another to the purchaser or purchasers. The purchaser or purchasers, within seven years from the completion of this work, (unless the frequency of Indian irruptions may render the same in a measure impracticable,) shall lay off the whole tract at their own expense into townships, and fractional parts of townships, and divide the same into lots, according to the land ordinance of the 20th of May, 1785; complete returns whereof shall be made to the Treasury Board. The lot number 16 in each township, or fractional part of a township, to be given perpetually for the purposes contained in the said ordinance. The lot number 29 in each township

to be given perpetually for the purposes of religion. The lots number, 8, 11, and 26, in each township or fractional part of a township, to be reserved for the future disposition of Congress. One complete township to be given perpetually for the purposes of an Academy or College, to be laid off by the purchaser or purchasers, as nearly opposite to the mouth of Licking river as an entire township may be found eligible in point of soil and situation, to be applied to the intended object by the Legislature of the State.

The price to be one dollar per acre for the contents of the said tract, excepting the reservations and gifts aforesaid, payable in specie, loan office certificates reduced to specie value, or certificates of liquidated debts of the United States, subject to a reduction by an allowance for bad lands, and all incidental charges and circumstances whatsoever, one-third of a dollar per acre; and in making payment, the principal only of the said certificates shall be admitted. And the Board of Treasury, for such interest as may be due on the certificates rendered in payment as aforesaid, prior to the 1st of January, 1786, shall issue indents for interest to the possessors, which shall be receivable in payment as other indents for interest of the existing requisitions of Congress; and for such interest as may be due on the said certificates, between that period and the period of payment, the said Board shall issue indents, the payment of which to be provided for in future requisitions, or otherwise.

Such of the purchasers as may possess rights for bounties of land to the late continental army, to be permitted to render the same in discharge of the contract, acre for acre, provided that the aggregate of such rights shall not exceed one-seventh part of the land to be paid for; and provided also, that there shall be no future claim against the United States on account of the said rights.

Two hundred thousand dollars of the purchase money to be paid down upon closing the contract, and two hundred thousand dollars more within one month after the delivery of the return or survey of the tract, to be made by the Geographer or other officer as aforesaid. The residue of the money to be paid by the purchaser or purchasers, in six equal half-yearly payments, to be computed from the time when the second payment becomes due, together with the interest thereon from the date of the second payment.

When the second payment is made, the purchasers shall receive a deed for six hundred thousand acres, exclusive of the reserved and given lands, the survey whereof to begin at the mouth of the Great Miami at one end, and at the intersection of the northern boundary line with the Great Miami at the other end, and extending eastwardly from the Great Miami on a meridian line to be drawn from north to south lengthways of the tract, until six hundred thousand acres exclusive of the given and reserved lots are included between

the Great Miami and such north and south line. Further proportional grants shall be made to the purchasers, from time to time, as the subsequent payments are discharged, always drawing a line from north to south parallel with the first line, from end to end of the tract, until the whole of the land purchased be granted by deed to the purchasers, their heirs and assigns forever.

The purchaser or purchasers on the payment of the first two hundred thousand dollars, shall have a right to enter and occupy a portion of the land not exceeding three hundred thousand acres, exclusive of the given and reserved township and lots, which privilege shall be enlarged from time to time, as future payments may be made by the purchasers. Thus far the agreement.

The public, by the foregoing being made acquainted with the nature of the contract entered into between the honorable the Commissioners of the Treasury Board, and the subscriber, for himself and associates, the subscriber begs leave to communicate to such gentlemen as are desirous of becoming his associates, the scheme adopted for sale and settlement, which shall be considered as fundamental thereto, by every purchaser and settler.

The first necessary measure is to raise two hundred thousand dollars in liquidated certificates in order to discharge the first payment, which must be made previous to any entry or settlement on the land.

For this purpose, land warrants will be issued by the subscriber, or other person appointed, for any number of acres not less than one hundred and sixty, or a quarter part of a section, and always making the warrant for a township, section, or quarter part of a section, authorizing the person purchasing the same, his heirs or assigns, to elect and choose, in his own person, or by his or their agents, such township, or lot, or quarter of a lot, as may be most agreeable to the holder of the warrant; provided the same township, or lot, or quarter of a lot be not previously located and entered on record by a prior applicant.

A map, as accurate as can be drawn before an actual survey is made, may be seen with the subscriber, on which any person may make their election of a township, lot, or quarter of a lot, which shall be attended to, as far as may be possible, after the tract is surveyed into townships and sections, and the elected townships, lots, or quarters of lots, shall be noted in the true map of the premises as soon as the same can be made. When the survey thereof is accomplished, a plat or map of the land paid for at the Treasury Board, will lie before the Register at his office, to be kept on the ground, in which every township or fractional part of a township, will be fairly laid down and numbered; and every township, lot, or quarter of a lot, when applied for at the Register's office, and nowhere else, after actual survey, shall be immediately

recorded, as sold to the person or persons to whom the warrant belongs, which shall be produced to cover the sale. And the township, lot, or quarter of a lot, so elected, shall be marked on the map to prevent any mistake in a subsequent location; provided always, that no section be divided when the warrant contains a sufficient number of acres to cover the whole section.

Two-thirds of a dollar per acre, in liquidated certificates, exclusive of the interest due on such certificates, to be paid by the purchaser on the receipt of a land warrant; and for the interest due on all certificates, indents are to issue at the Treasury Board, which shall be returned by the subscriber to the right owners of such certificates: regular accounts thereof shall be kept. But the subscriber recommends, as the better way, that each holder of certificates should apply to the loan officer of the State in which he lives, and first draw up his interest fully, in indents or facilities before he presents them in payment for the land warrant; yet, if this be inconvenient, the subscriber will see that justice is done touching the interest.

After the 1st day of May next, the price of the land will be one dollar per acre, and after the 1st day of November next, the price will rise still higher, if the country is settled as fast as is expected. The certificates raised by this augmentation in the price, shall be applied towards the making of roads and bridges in the Purchase.

One penny proclamation, or the ninetyeth of a dollar, per acre, in specie of bills of credit of the States of New York, New Jersey, or Pennsylvania, must be paid by the purchaser at the time of purchasing the land warrant. This fee of one penny per acre is to defray the expense of surveying the country into townships and lots, agreeably to the land ordinance. And one farthing proclamation, or the three hundred and sixtieth part of a dollar, per acre, in specie or paper money aforesaid, to be paid by the purchaser to defray the expense of printing the land warrants, purchasing proper books for record, accommodating and paying the Register for his services in attending to the recording of entries, and other incidental charges which will necessarily accrue.

When a land warrant shall be for one quarter of a lot, or one hundred and sixty acres, the same shall always be taken and located at one corner of a section in a square with equal lines, and in no case shall the square of half a mile each way be departed from, except in those fractional parts of sections which may be rendered incomplete by the outside lines or boundaries of the Purchase; and the entry shall be made on the record accordingly, setting forth which corner or quarter part of the section is elected, and that quarter of the section shall be immediately stained on the map to denote its being located.

The subscriber is very sensible that an inconvenience will arise from the

circumstance of adhering strictly to certain numbers of acres in a land warrant, as few men can make the amount of their certificates tally exactly with certain given numbers of acres contained in a township, lot, or a quarter of a lot; and yet the measure is absolutely necessary, for if persons were to purchase any number of acres which was most convenient to them, and locate the same at their pleasure, it must follow that there would be left unlocated a number of small pieces and strips of land throughout the whole purchase, which would infallibly mar the design. In order, therefore, to remedy this inconvenience as far as may be, and provide a kind of change, a certificate of the surplus amount shall be given to the purchaser, certifying so much land paid for over the contents of the warrant delivered, which certificate or due bill shall be transferrable, and shall be received in payment, or credited when presented in the purchase of any subsequent warrant. A number of persons, however, may throw all their certificates together, and take a whole township, which they can divide among themselves according as each contributes.

After location and entry is made on the record, the Register shall, as soon as the hurry of entering is over, proceed to make out a patent under his hand and a special seal for this purpose provided, to the purchaser for the township, lot, or quarter of a lot so located and entered, which shall be evidence of a transfer of the fee of such township, lot, or quarter of a lot to the patentee, his heirs or assigns, forever; for which service the Register shall receive one-third of a dollar in specie for each deed including but one lot or quarter part of a lot, and the sixteenth of a dollar more for every additional lot and lots, or quarter part of a lot, over the first six hundred and forty acres which shall be included in the patent or deed.

Whereas, engrossing large tracts of land whereon no families are settled for a long space of time, has been found very prejudicial to the population of all new countries—in order to avoid this inconvenience, which has been greatly detrimental to the settlement of Kentucky, it is hereby provided that every locator shall have two years from the time of entering his location to fix or place himself or some other person or persons on the ground or in the country at some station of defence, and begin an improvement on every section or quarter of a section which he may have located, if this may be done with safety; but if the locator shall neglect, for two years after location entered, to make a settlement on every section or quarter of a section which he may have located, or to settle some other person or persons thereon, or in some station, who shall continue to improve the same or live in such station for seven years, unless succeeded by others who shall supply their place, provided they

are not disturbed by the Indians for that period—in such case, one-sixth part of every such neglected section or quarter part of a section, to be taken off in a square at the north-east corner, shall be deemed forfeited, and shall revert to the Register for the time being, in trust, so far as to authorise him to grant the same gratis to any volunteer settler who shall first make application to the Register therefor, previous to any settlement being made thereon by the proprietor or locator, or some person for him; upon condition, however, that such volunteer settler proceed immediately to make an improvement, and shall continue the settlement thereon, or live in some station in the country for defence, as is required of the proprietor or first locator. But in all such forfeitures, the forfeited sixth part shall be invariably taken at the north-east corner of the lot when entire, or quarter of a lot, so neglected to be settled, and shall be surveyed off in a regular square, all the lines being equal, the expense whereof shall be paid by the volunteer settler, who shall have the same recorded to him, the Register taking the ground on which such volunteer settler derives his right, and after seven years occupancy on the lot, or residence in some station of defence, making a reasonable abatement of time within that period if the Indians should prove troublesome, the Register shall proceed to make out a deed for such forfeited sixth part, always to be taken at the north-east corner, to such volunteer settler, whereby the fee of the land so forfeited shall pass to him, his heirs, or assigns, for ever; for which the Register shall receive the same fees as for other deeds.

Little need be said to evince the propriety and justice of this measure, as it is reasonable that all who become purchasers should in some way contribute to the defence of the country by their own personal service, or by some other person for them.

The difficulty of opening and making roads in the country is another heavy duty to which those purchasers who do not go there ought to contribute, thereby rendering the residue of their land more valuable. The settlement of one family on the forfeited sixth part will really make the remaining five-sixths of the section or quarter section worth more than the whole would be in a wilderness. Perhaps some may think that two years is too short a time for making the settlement required; but if gentlemen will reflect on the danger from the Indians attending the first settlers, the great difficulties which those meet who first occupy a desert, the extent of the federal territory open in every quarter to emigrants, and that the value of land depends almost entirely on the number of its inhabitants, the subscriber believes that two years will be thought time sufficient for the purpose. The subscriber, having been in the Western Country, is so fully persuaded of the great benefit that will re-

sult from this regulation, that he most cheerfully submits to it himself, and perhaps few will be more affected thereby.

Officers and soldiers of the late American army who wish to have their bounty lands in this grant, will please to send their names, regiment, rank, and of what line, to Gen. Dayton, at Elizabethtown, or to one of the gentlemen hereafter appointed to receive the applications of purchasers.

Ministers of the gospel, of every denomination of Christians, are cordially invited into the country, to enjoy the use of the lot number 29, in each township, in such distribution as shall be agreeable to the parishioners.

Schoolmasters who will settle on these lands, and are capable of discharging with propriety the duties of such instructors, shall enjoy the free use and benefit of the given lot number 16, in some one of the townships, so long as they shall severally pursue the business of educating the children of the parish, on such terms as shall be agreed between the master and his employers.

All certificates and monies paid shall be returned, free of cost, to the purchaser of the warrant, in case of failure in raising the sum sufficient for the first payment to the Treasury Board; but on return of the certificates, the land warrants must also be returned to the subscriber, or to those gentlemen from whom they may hereafter be purchased.

The subscriber hopes that the respectable public will not think it unreasonable in him, when he informs them that the only privilege which he reserves for himself, as a small reward for his trouble in this business, is the exclusive right of electing or locating that entire township which will be lowest down in the point of land formed by the Ohio and Great Miami rivers, and those three fractional parts of townships which may lie north, west, and south, between such entire township and the waters of the Ohio and Great Miami. This point of land the subscriber intends paying for himself, and thereon to lay out a handsome town-plat, with eligible streets, and lots of sixty feet wide in front and rear, and one hundred and twenty feet deep, every other lot of which shall be given freely to any person who shall first apply for the same, lot No. 1 being retained, and lot No. 2, given away, and thus alternately throughout the town—upon condition always, that the person so applying for, and accepting of, a given lot or lots, shall, without evasion, build a house or cabin, on each lot so given, within two years after the date of the first payment made to the Treasury Board, and occupy the same by keeping some family therein, for the first three years after building. Every person who will accept of a town lot, as aforesaid, shall have the privilege of cutting, on the subscriber's adjacent land, as much timber for building as such donee shall need, during the term of three years from the time when he first begins to build on his lot.

The subscriber begs leave to add, for the information of those who are unacquainted with the country, that from his own view of this land, bordering on the river Ohio, and the unanimous report of all those who have traveled over the tract in almost every direction, it is supposed to be equal to any part of the federal territory, in point of quality of soil, and excellence of climate, it lying in the latitude of about thirty-eight degrees north, where the winters are moderate and no extreme heats in summer. Its situation is such as to command the navigation of several fine rivers, as may be seen by the maps of that country; boats are frequently passing by this land as they ply up and down the Ohio. There are no mountains in the tract, and, excepting a few hills, the country is generally level, and free from stone on the surface of the earth; but there are plenty of stone quarries for building. It is said to be well watered with springs and rivulets, and several fine mill streams falling from the dividing ridge into the two Miamies, which lie about thirty miles apart and are both supposed to be navigable higher up in the country than the northern extent of this purchase, so that the interior farms will have navigation in the boating seasons, within fifteen or eighteen miles at farthest. Salt, in any quantity, may be had by water within a moderate distance, at the salt works on the banks of the Licking river, which empties itself from the Kentucky side into the Ohio, between the two Miami rivers. Provisions for the first emigrants may be had very cheap and good, by water, from the Pittsburgh, Redstone, and Wheeling settlements, or from the district of Kentucky which lies opposite to this Purchase, on the south-east side of the Ohio. The distance from Fort Pitt is about five hundred miles down a gentle river, navigable for boats of one hundred tons to the Mississippi, and down the Mississippi to the sea. In the district of Kentucky, which is separated from this Purchase by the river Ohio, about half a mile wide, the average price of land is half a dollar per acre, in specie, though a large proportion could not be bought under three hard dollars per acre; eight and ten shillings per acre are frequently given. For the quantity, a larger proportion of the lands on the Miamies, are supposed to be of the first quality, and the whole equally good, compared generally with those of Kentucky. The titles to the Miami lands will be clear and certain, and no possible doubt can arise. Whereas, on the Kentucky side, (military rights excepted) the titles of land are not easily ascertained, frequently very doubtful, and too often not well founded.

It is expected that a considerable settlement will be begun on the land next spring, if the first payment to the Treasury Board can be made by that time.

The honorable the Secretary at War, General Knox, having assured the subscriber of his friendly disposition to support the settlers against the In-

diana, by replacing a garrison of federal troops in the fort which is still remaining on the land, at the mouth of the Great Miami, must greatly facilitate the settlement, and in some measure render safety to the first adventurers.

A system of good government for that country is already formed by the honorable the Congress, and the principal officers of the government are appointed. His excellency, Governor St. Clair, and the honorable, the Judges of the Supreme Court, go out early next spring, and they will carry with them wholesome laws, and the wisest regulations for promoting emigration to that country, protecting and rendering happy all those who become peaceable settlers therein.

The subscriber intends going out himself, and shall make it his study to encourage and superintend the settlement of this Purchase, by causing the utmost attention to be paid to every application, and aiding as far as may be in his power, all those who become either purchasers or settlers."

Signed at Trenton, the 26th day of November, A. D. 1787.

JOHN CLEVES SYMMES.

C.

Extract from the articles of agreement, executed in October, 1788, between the Board of Treasury of the United States, and John C. Symmes, and his associates, showing that the quantity of land first applied for by the Judge, which was estimated at two millions of acres, was reduced to one million, and the right to a College township thereby lost, and consequently not included in the contract.

"This Indenture of three parts, made the 15th day of October, in the year of our Lord, one thousand seven hundred and eighty-eight, between Samuel Osgood, Walter Livingston, and Arthur Lee, Esquires, Commissioners of the Board of Treasury of the United States of America, acting by and under the authority of the honorable the Congress of the said States, of the first part, the honorable Jonathan Dayton, and Daniel Marsh, of the State of New Jersey, Esquires, of the second part, and the honorable John Cleves Symmes, of the same State, Esquire, of the third:—Whereas, the United States in Congress assembled, in and by their several resolutions and votes of the 23d and 27th days of July, and the 23d day of October, in the year of our Lord one thousand seven hundred and eighty-seven, or some of them, did authorize and

empower the Board of Treasury aforesaid to contract with any person or persons for grants of any tracts of land in the said resolutions mentioned, upon such terms and conditions, for such considerations, under such reservations, and with such exceptions, as in the said resolutions and the papers therein referred to, are specified and expressed. And whereas, by virtue of the said resolutions and votes, or some of them, the said parties of the first part have contracted and agreed with the said parties, of the second part, in behalf of the said John Cleves Symmes, and his associates, for the grant of a tract of land, hereinafter mentioned, that is to say: all that certain tract or parcel of land, situate, lying, and being in the Western country, adjoining to the river Ohio, beginning on the bank of the same river, at a spot exactly twenty miles distant, along the several courses of the same, from the place where the great river Miami empties itself into the said river Ohio; from thence, extending down the said river Ohio, along the several courses thereof, to the Great Miami river; thence up the said river Miami, along the several courses thereof, to a place from whence a line drawn due east, will intersect a line drawn from the place of beginning aforesaid, parallel with the general course of the Great Miami river, so as to include *one million of acres* within those lines and the said rivers; and from that place upon the said great river Miami, extending along such lines to the place of beginning, containing, as aforesaid, one million of acres," etc.

D.

Extract from the patent of John C. Symmes, and his associates, executed in September, 1794.

"It is hereby declared, that one complete township or tract of land, of six miles square, to be located, with the approbation of the Governor, for the time being, of the Territory north-west of the river Ohio, and in the manner, and within the term of five years aforesaid, as nearly as may be, in the centre of the tract of land herein before granted, hath been, and is granted, and shall be holden, in trust, to and for the sole and exclusive intent and purpose, of erecting and establishing therein, an Academy and other public schools, and seminaries of learning; and endowing and supporting the same, and to and for, no other use, intent or purpose whatever."

E, 1.

In the address of Governor St. Clair to the Territorial Legislature, on the 25th of September, 1799, (see Journal of the House, page 9,) he stated to them officially, that Mr. Symmes and his associates, had failed to set apart a township for the use of a college, as they were bound to do; but that "an attempt to do something towards, or in lieu of it, was made by Judge Symmes, on the 24th of July, 1798, when he made an offer in writing, of the second township, in the second fractional range of townships, in the before mentioned tract of land; and requested that it might be approved of, and proclaimed as the proper township, for the purpose of endowing an Academy. It appeared to me improper that that township should be approved, because it in no way answered the description of the one, granted in trust by his patent; and because I had certain information, that claims lay to a considerable part of it, and that a suit in the Chancery Court of the United States, to compel a conveyance, was actually depending."

E, 2.

In a subsequent communication, from the Governor to the Legislature, on the 21st of October, during the same session, (see Journal of the Legislative Council, page 32,) he laid before them a copy of a letter, addressed by him to John C. Symmes, on the subject of the College township, and particularly as to the offer he had made, of the second township, of the second fractional range of townships, in the Miami Purchase, for the use of a College, from which the following is an extract:

"I request you, therefore, sir, to take notice, that for the reasons above mentioned, to wit: that the title, to a part of it, at least, is in dispute, that it does not answer to the situation, called for in the patent, and that according to information, it is of very mean quality, which, if true, would defeat the purpose for which it was granted: the location of the second township, in the second fractional range of townships, for the purpose of creating therein an Academy, and other schools, and for endowing and supporting the same, is *not approved*, and cannot by me, be declared to be the lot, granted to you, in trust, for those purposes; and I must request you, sir, as soon as may be, to point out another township, free from those objections."

E, 3.

After the township thus offered, had been rejected, first, by the Governor of the Territory, then by the Territorial Legislature, and subsequently by the Legislature of the State of Ohio, the Judge offered it a fourth time, to the Congress of the United States, by whom it was also rejected. The following are extracts, from the communication presented to Congress, by Mr. Symmes, on that occasion:

"It cannot be forgotten, that no township for the purpose of a college, was granted by the original contract. As no township was given at first, it will be allowed, that the grantee had a right to sell any and every part of the Purchase, and he did sell indiscriminately.

"After three and a half years, from the date of the original contract, had elapsed, and those lands that came within the patent, were pretty generally sold, Congress gave a township for the use of an Academy, to be located within the limits of the grant, as altered and designated by the act of the 12th of April, 1792.

"The claim set up by Mr. Boudinot, to the College township, is vague and conditional; and, on his part, the conditions have never been fulfilled. That which he founds his pretensions upon, is a document, several months older than the original contract itself, and no lien on the land, can thence accrue. If he had lived up to the conditions of his contract, which he by no means did, yet his redress could only be personal, against the grantee, and not real; for no color of fee could pass, by the document which he holds.

"This township was the only one, which, at the passing of the law, had not been broken by sales; not preserved entire, with design of presenting it as a College township; for no such township was expected, but by mere accident, it being that part of the Purchase, which the grantee had originally intended for himself; but which was afterwards agreed to be divided, between twenty-four proprietors, on each proprietor's paying a twenty-fourth of the purchase money to Congress; and from this cause lay unsevered and unoccupied, until the passage of the act of the 5th of May, 1792, giving one entire township for the use of an Academy."

F.

The contract between John Cleves Symmes and Elias Boudinot, executed on the 12th of March, 1788, for the sale of an undivided moiety of the second township of the second fractional range of townships in the Miami Purchase,

which had been reserved by the said Symmes for his own use, in the terms of sale and settlement of Miami lands, published at Trenton, may be found by any person having an interest therein, on the Records of Hamilton county, Book B, pages 107-8-9.

G.

The bill in equity filed by Elias Boudinot against John C. Symmes, praying for a specific performance of his contract for the purchase of an undivided moiety of the second township, of the second fractional range of townships in the Miami Purchase, and the final decree rendered thereon, which ordered the defendant to execute and deliver to the said Elias Boudinot, a deed conveying to him in fee simple an undivided moiety of the said township, according to the prayer of his bill, may be found at large among the files of the Circuit Court of the United States for the district of Pennsylvania, at their May Term, 1802.

H.

As an evidence of the state of feeling produced at Detroit, and in the county of Wayne generally, by the provision, contained in the act of Congress authorising the formation of a Constitution for the State of Ohio, which excluded the people of that county from becoming a portion of the new State, and attached them to the Indiana Territory, the following letter, addressed to Mr. Burnet, of Cincinnati, is submitted to the public, being one of a number of the same character received by him from different citizens of Wayne county.

The writer of the letter, who is now in his grave, was one of the most intelligent citizens of that county, and a distinguished member of the Territorial Legislature. Others of a similar character might be given, were it necessary, but one will suffice—"ex uno disce omnes."

DETROIT, August 2d, 1802.

DEAR SIR:—I some time since received your favor of the 8th of June, but have not till now had an opportunity to answer it. Col. Chobart showed me a letter from you upon the subject of the law turning us over into the Indiana Territory, which you mentioned in your letter to me.

We have not yet entered into any resolutions how to act in the business. The method you suggest, of electing members to the Convention, I fear, will be objected to by some, upon the principle of a doubt of success, and the certainty of expences which must follow that event.

Nothing frightens the Canadians like taxes. They would prefer to be treated like dogs, and kennelled under the whip of a tyrant, than contribute to the support of a free government.

I have conversed with several leading characters, most of whom disapprove of the law, and are desirous of becoming a part of the new State, if possible. I believe they are generally convinced that the law is unconstitutional, so far at least as respects this county, it being a plain violation of the 5th article of Compact contained in the Ordinance of 1787. By that article, Congress have reserved to themselves the privilege of drawing the east and west line through the extreme of Lake Michigan, upon a contingency of erecting the Territory north of said line into one or more states; but no authority of passing us into another Territory. Should the western boundary line stand, regardless of the east and west line alluded to, the whole of the county of Wayne would be included in the new State; and as the law now stands, the whole of River Raisin settlement will be included therein, which produces a division of our county, and, I humbly conceive, its eternal ruin. But the ruin of five thousand inhabitants, when brought into competition with the interested ambition of a half-a-dozen aspiring individuals, whose intrigues have brought us into the present dilemma, can be of little consequence, according to the modern doctrine of politics.

We may thank our good friends, Judges Symmes and Meigs, and *Str Thomas*, for what is done. They foresaw that the county of Wayne would be, probably, a dead weight against them.

Unfortunately, the citizens of this county are too little practised in false politics to answer their purposes. I did expect that Congress would not readily have interfered in the petty political squabbles of the Territory. But seeing how lightly the majority of that once respectable body have treated important subjects, I am not surprised at what they have done with respect to us.

You state in your letter that you cannot believe that the Convention will accept the law as it now stands, with the clogs that hang to it.

I differ with you in opinion on that head—nay, I am persuaded, that were it ten times more degrading to the people of the Territory than it is, it would be greedily snatched at, by a majority, which, from the exclusion of the county of Wayne, they are sure of. But, sir, supposing the county of Wayne should elect delegates, and send them forward to the Convention, what secu-

city would they have, of a bare protection? Would they not feel the mortification of personal insults? From the temper of a majority of the citizens of that place (Chillicothe) last winter, which you must know as well as myself, I really believe, that their persons would be in danger. At all events, I am not personally disposed to make the experiment. Yet I will do every thing in my power, to stir up the citizens of Wayne, to claim their violated rights. I thought that a petition, in the nature of a memorial, accompanied by an agent, would have every effect, that could be answered by sending delegates. If they should be determined, strictly to adhere to the law, neither would answer any purpose; and if they felt disposed to favor us, arrangements would be made for citing us.

I am, dear sir,

Your friend and humble servant,

JACOB BURNER, Esq.

SOL. SIBLEY.

Cincinnati.

I.

SECRETARY'S OFFICE, }
Cincinnati, May 15th, 1802. }

GENTLEMEN:—

The last mail informed us that the Senate and House of Representatives of the United States have refused to recognize Belmont, Fairfield, and Clermont, as counties in the North-western Territory, and, by withdrawing their sanction, have virtually communicated an opinion that the executive of the Territory, in the present stage of our government, is not vested with the power of erecting new counties.

You are not unacquainted with the tenure of my office. It is known to you that I derive my appointment from the general government; that my pay and compensation are received from the treasury of the United States; and that I am, of course, amenable to the national government for the faithful discharge of the duties attached to the office. Under these circumstances, my hands are completely tied up, and I am restricted from a compliance with your petition. The critical and delicate situation in which I am involved, by my desire to meet the wishes of my fellow citizens on the one hand, and by a sense of duty on the other, has given birth to sensations which it is easier to conceive than describe. You may rest assured, however, gentlemen, that your

petition will be laid before the Legislature at their next session, and the known sentiments of the members afford just ground for a belief that you will be gratified with a division of the county.

In all events, I pledge myself to recommend it to the serious consideration of the Assembly, and to concur in the measure, if I continue to administer the government.

Accept, gentlemen, the assurances of consideration with which I am,
respectfully, your most obedient servant,

CHARLES WYLLING BYRD.

*To the inhabitants of Hamilton county, residing north of the southern boundary of
the third or military range, North-western Territory.*

K.

House of Representatives, March 31st, 1802.

Debate on the report of the select committee respecting the admission of the Eastern division of the North-western Territory as a state into the Union.

Mr. Fearing said—he should oppose this resolution, but not on the ground of expediency. As the business had been urged forward hastily, he had not had an opportunity of consulting his constituents, to many of whom he had forwarded the report of the select committee. He would therefore waive any remarks on the expediency of it until a bill was brought in, in the event of the resolution being agreed to, expecting, in the mean time, to hear from his constituents.

But he was opposed to the resolution, on constitutional principles. He conceived Congress had nothing to do with the arrangements for calling a convention. It was not necessary, on general principles, or under the compact, that the Territory, in order to be admitted into the Union, should form a constitution. By the Compact, Congress can give their assent to admit the Territory into the Union before the population amounts to sixty thousand. Their power extends no farther. The Compact is the supreme law of the land, and is in the nature of a treaty. What it prescribes must be executed; but, as to arrangements not made in it, they may or may not be made, and they may be made either by law or by a Constitution, as the Territory may see fit. Can Congress exercise power given exclusively to the people? He conceived it would be as great an encroachment upon their rights to say, they

should meet together in Convention and form a Constitution, as it would be to say so to any State in the Union.

Gentlemen may say that this power is given to Congress by the consent of the people. The printed documents accompanying the report, if they mean any thing, mean to express the opinion of the people. [Mr. F. here quoted parts of a letter.] Now if this committee at Chillicothe speaks the voice of the Western Territory, the Congress have the right contended for; but this the citizens of other towns and counties will not admit. What example will the adoption of this measure hold out to the people of the Territory. If Congress violate the Compact, will not the people of the Territory have an equal right to violate it? He hoped, for these reasons, that Congress would, on their part, preserve it inviolate.

Mr. Griswold, of Connecticut.—“This is not the first project started this session, that goes to a consolidation and destruction of all the States. That this will be the effect of the present measure cannot, I think, be denied. What is the condition of the people of the Territory? They are not, it is true, as to every purpose of government, a State; but they have a complete Legislature, as fully competent to legislate as the Legislature of Maryland, or any other Legislature in the Union. They are fully competent to the making of all laws to regulate the internal concerns of the government. Now these resolutions go to interfere with these internal concerns, and to regulate them by law. When the gentleman from Kentucky undertakes to decide the terms on which the members of the Convention shall be chosen, I ask him, where is the power? Are not the powers of the Territorial Legislature as full as those of the Legislature of Maryland, and have we not as good a right to interfere with the state concerns of Maryland, as to interfere with the concerns of the Territory? I call, then, upon gentlemen to say, whether they are willing to sanction a principle that goes to the length of the consolidation of these States? We have the determination of the Legislature of the Territory, that it is not desirous of forming a constitution at this time. If, then, we go abreast of the determination of one Legislature, why not of another? If we go abreast of that of the North-western Territory, why not go abreast of that of Maryland? If, too, you may legislate for these people before they are admitted into the Union, you may also legislate for them afterwards. If you do not like the constitution they now form, you may pass a law for another Convention.

By a parity of reasoning, you may force down a constitution on Connecticut, and say that, as they have no written constitution, you will give them one. Acting under such a principle, there can be no stopping place—you may go any

length. If you interfere with the authority vested in others, you may go any length, and that consolidation of the States, which some gentlemen wish to see effected, will be accomplished. I am, therefore, on constitutional grounds, opposed to these resolutions. I do not inquire into the expediency of the measure. Let the people judge of this. If they wish a constitution, I have no objection; but I would not impose upon them what the Compact does not warrant, nor would I impose arbitrary power upon them any more than upon any of the States.

The report says—"Resolved, That provision ought to be made by law for calling a Convention within the eastern division of the Territory, composed of members to be apportioned among the several counties therein, in a ratio of one representative for every ——— inhabitants of the said counties, according to the last enumeration of the inhabitants thereof," &c.

I understand the project is, to portion out the people into districts to choose members of the Convention, and I say that, as you have not the power, it is arbitrary and unjust.

* * * * *

I have long been persuaded that when gentlemen are determined upon any particular measure, they can readily find pretexts for it. The Constitution is brought to their aid, though the fact is, the Territory existed before the Constitution was formed. The people of the Territory never consented to it, nor are they bound by any part of it which gives more power to the Federal Legislature than is given by the Compact. Their rights under the Compact cannot be taken away by any provisions of the Constitution to which they were not a party. I shall therefore lay the Constitution totally out of the question.

The gentleman from Maryland and myself agree in one or two points. We agree that it is competent to Congress to admit the Territory into the Union, before it has attained a population of sixty thousand. If this were the sole object of the resolutions, I would agree to them.

We agree in another point, that Congress has not the right to impose a Convention upon these people without their consent. The question then is, whether it is, or is not, the object of these resolutions to impose a Convention. Let us turn to the third resolution, which is calculated in express words for calling a Convention by a law of the United States, and taking the population of the last census as the basis of representation. If the principle be a sound one, that we have a right to impose a Convention on the people of the Territory without their consent, how are the opinions of the people on the calling of the Convention to be obtained? How is their consent to elect delegates to

be obtained? The consent expressed on the face of the petition before you cannot be said to be a legal consent. How else, then, can such consent be obtained? I answer, in no other way than by an act of the Territorial Legislature, or by going round to every man in the Territory and obtaining his opinion.

If this be left undone until the election for members of the Convention, the result will be a partial expression of the public mind; for one man may vote, and another refuse to vote. Thus you may get a partial Convention, composed of a few demagogues. I say, therefore, that however defective the provisions of the Compact, you must obtain the consent of the Territorial Legislature before you take the step of calling a Convention. Believing the inevitable effect of these resolutions will be to impose a Convention on the Territory, I am justified in saying they involve an usurpation of power by the United States—a power not *belonging* to them. If the resolutions amount to any thing, they amount to this.

If gentlemen will first obtain the consent of the Territory in a proper mode, though their population does not amount to sixty thousand, I will consent to their admission into the Union. I am disposed to let them act for themselves—to divide or not divide the Territory into States, as they please; but I am against imposing any thing upon them contrary to their will. They are more deeply interested than we are in the establishment of a proper form of government. They, and not we, are to be bound by it. They, then, ought, in its establishment, to act for themselves, and not we for them. I contend that such a measure is extraordinary in this country. I know that it has been practiced in other countries. I know that in Switzerland, and in Holland, the people were told by the Republic of France they had bad Constitutions which required alteration, and that the Republic, with sisterly kindness—without asking their consent—imposed conventions upon them, which formed entirely new systems of government; but I trust the same thing will not be done here.

I do not think it necessary to inquire into the expediency of this measure, as I have no objection to give my consent to the admission of the Territory into the Union, even without a population of sixty thousand, if wished for by the people; though I have no idea that the people will be benefited by it, as they will then have taxes to pay from which they are now exempt. But I do not consider this as a proper objection for us to make, as it ought to rest with the people to say whether they are willing to pay those taxes.

I say, again, we have no right to impose a Convention. I believe the

principle upon which we take this step goes the full length I have stated, and may, if adopted in relation to the Territory, be applied to all the States. The powers of the Territory are, on this head, as complete as those of the States. If we interfere with the first, we may interfere with the last."

At a public meeting of the citizens of Dayton, and its vicinity, held at Dayton, on the 26th of September, 1802, a resolution was adopted unanimously, and published by order of the meeting, in the *Western Spy*, from which the following is an extract :

"We consider the late law of Congress for the admission of this Territory into the Union, as far as it relates to the calling a Convention, and regulating the election of its members, as an act of legislative usurpation of power properly the province of the Territorial Legislature, bearing a striking similarity to the course of Great Britain imposing laws on the provinces. We view it as unconstitutional, as a bad precedent, and unjust and partial as to the representation in the different counties.

"We feel for our fellow-citizens in the county of Wayne, who have relinquished their allegiance to the crown of Great Britain, and become American citizens, firmly attached to the interests of this Territory; and we hope they may not be transferred against their wishes to the Indiana Territory, at the moment they expect with us to enter into an independent State government, and to enjoy the privileges of a free people. We conceive that Congress was unwarranted in transferring that portion of the Territory, against its consent, from the last step of the second grade of government back to the first, and transferring them to another government and another people.

"We wish our Legislature to be called immediately to pass a law to take the enumeration; to call a Convention; and to regulate the election of members to the same, and also the time and place for the meeting.

"Under the existing laws, we are not enabled to elect members to the Legislature and to the Convention, as the elections for both are ordered on the same day, and as to us, at places fifty miles apart."

The resolution also expressed a wish that the Convention, when met, should ask of Congress an alteration of the Ordinance relating to the division of the Territory, so as to include the country to the foot of the rapids of the Ohio in one State, subject to become two States, as soon as a majority of the citizens inhabiting the same might deem it expedient.

THE END.

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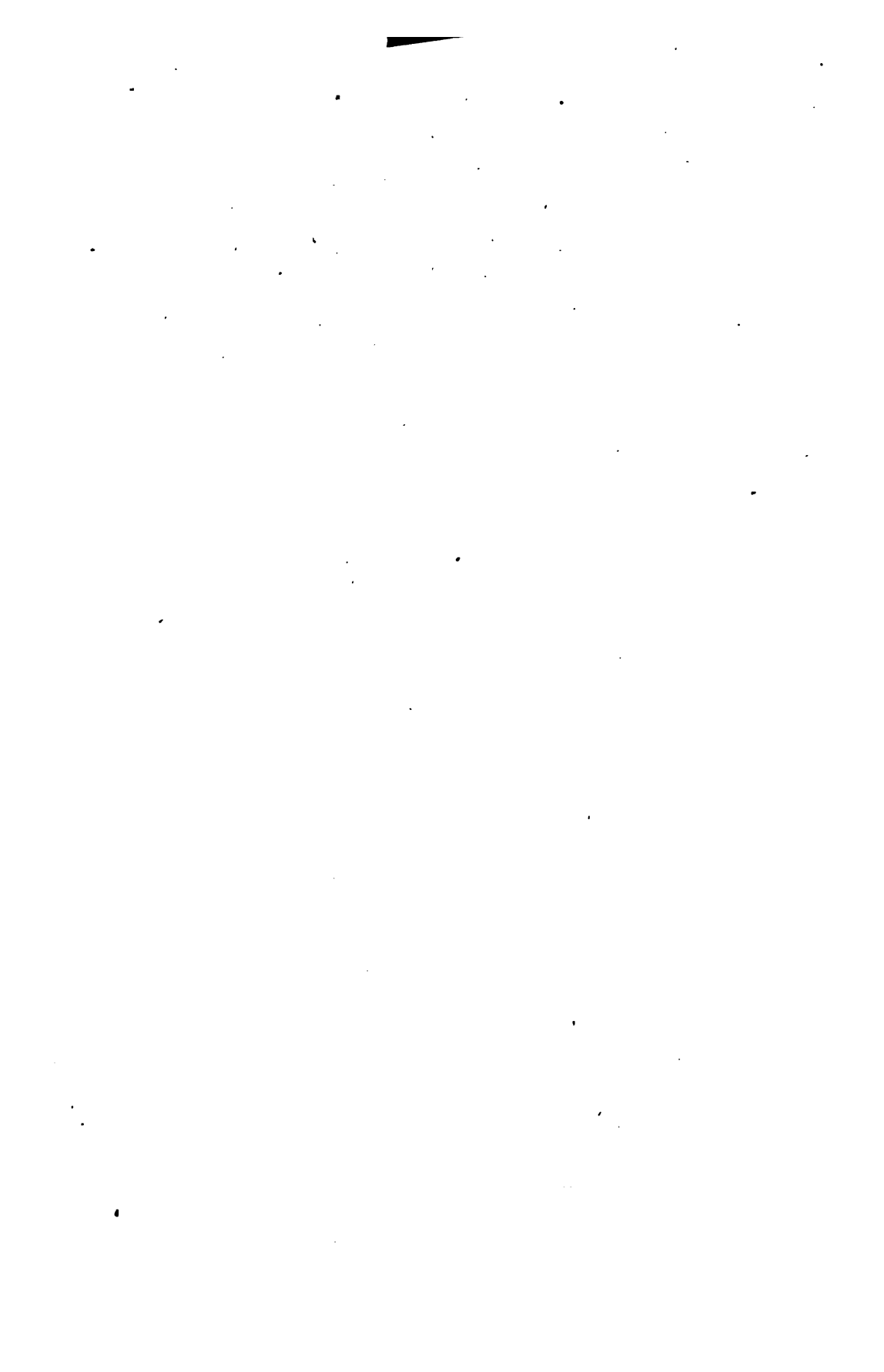
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